

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. McCORMACK: A bill (H. R. 8967) to provide for the appointment of an additional district judge for the district of Massachusetts; to the Committee on the Judiciary.

By Mr. RANKIN (by request): A bill (H. R. 8968) to provide additional relief for veterans and their dependents, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. TAYLOR of Colorado: A bill (H. R. 8969) to add certain lands to the Rocky Mountain National Park in the State of Colorado, and for other purposes; to the Committee on the Public Lands.

By Mr. McCLELLAN: A bill (H. R. 8970) to provide for the continued operation and maintenance of the Hot Springs Transient Medical Center and Infirmary located at Hot Springs National Park, Ark., under the supervision and control of the Public Health Service of the Treasury Department; to the Committee on Interstate and Foreign Commerce.

By Mr. McREYNOLDS: A bill (H. R. 8971) to appoint one additional judge of the District Court of the United States for the Eastern and Middle Districts of Tennessee; to the Committee on the Judiciary.

By Mr. MANSFIELD: A bill (H. R. 8972) to transfer to the Secretary of the Treasury a site for a quarantine station to be located at Galveston, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. MAVERICK: A bill (H. R. 8973) to provide for the placing of insurance by the Home Owners' Loan Corporation on its newly acquired properties; to the Committee on Banking and Currency.

By Mr. SOMERS of New York: A bill (H. R. 8974) to define certain units and to fix the standards of weights and measures of the United States; to the Committee on Coinage, Weights, and Measures.

By Mr. CASE of South Dakota: Resolution (H. Res. 403) proposing an inquiry to determine what reduction of tariff duties is under consideration by the Department of State in the proposed trade agreement with the United Kingdom; to the Committee on Ways and Means.

By Mr. ALESHIRE: Joint resolution (H. J. Res. 563) authorizing the Secretary of War to construct a dam for the storing of water for recreational and conservational purposes in Cowan Creek Valley, Clinton County, Ohio; to the Committee on Rivers and Harbors.

By Mr. RANDOLPH: Joint resolution (H. J. Res. 564) proposing an amendment to the Constitution of the United States to provide for a republican form of government and representation in the Congress for the District of Columbia; to the Committee on the Judiciary.

By Mr. MAGNUSON: Joint resolution (H. J. Res. 565) proposing an amendment to the Constitution of the United States to provide for a referendum on a certain method of waging warfare; to the Committee on the Judiciary.

MEMORIAL

Under clause 3 of rule XXII, memorial was presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Ohio, memorializing the President and the Congress of the United States to consider their House Resolution No. 116 relative to the deportation of criminal aliens; to the Committee on Immigration and Naturalization.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GINGERY: A bill (H. R. 8975) granting an increase of pension to John Cunningham; to the Committee on Invalid Pensions.

By Mr. MAVERICK: A bill (H. R. 8976) for the relief of Augusta Burkett; to the Committee on Claims.

By Mr. O'CONNOR of Montana: A bill (H. R. 8977) for the relief of Maj. M. Reynolds; to the Committee on Military Affairs.

Also, a bill (H. R. 8978) for the relief of John M. Grady; to the Committee on Military Affairs.

By Mr. SCHUETZ: A bill (H. R. 8979) for the relief of Kathryn O. Sweeney, Mary Kay Sweeney, Nancy Lee Sweeney, and Alex H. Sweeney (collectively); to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3786. By Mr. BIGELOW: Resolution of the Ohio House of Representatives, memorializing President Franklin D. Roosevelt and Congress to continue the Works Progress Administration in Ohio; to the Committee on Appropriations.

3787. By Mr. CASE of South Dakota: Petition of L. B. Boorman, Carl Melgaard, J. E. Curtis, and 20 other residents of Lemmon, S. Dak., urging consideration and support of House bill 4797, to provide grants to States for assistance to needy, incapacitated adults, including indigent tuberculosis; to the Committee on Ways and Means.

3788. Also, resolution adopted by Mobridge, S. Dak., Lodge, No. 752, of the Brotherhood of Locomotive Firemen and Enginemen, protesting against the turning of mail contracts over to star-route carriers from railroads; to the Committee on the Post Office and Post Roads.

3789. Also, petition of Minnie Palmatier, of Academy, S. Dak.; Mrs. Roy E. Weins, of Rapid City; and 78 other residents of South Dakota, urging consideration and support of House bill 4797, to provide grants to the States for assistance to needy incapacitated adults; to the Committee on Ways and Means.

3790. Also, open letter to Members of Congress from I. Elliott, Rapid City, S. Dak., relative to housing legislation; to the Committee on Banking and Currency.

3791. By Mr. CURLEY: Petition of the Virginia Highway Users Association, urging Congress not to enact the Pettengill bill, known as the long-and-short-haul bill; to the Committee on Interstate and Foreign Commerce.

3792. Also, petition of the Federal Workers of America, endorsing the McCormack-Logan bill to create a 5-day work-week for Federal employees; to the Committee on the Civil Service.

3793. Also, petition of the Federal Workers of America, endorsing the Bigelow bill to establish a Civil Service Board of Appeals; to the Committee on the Civil Service.

3794. By Mr. LEAVY: Petition signed by 39 citizens of the city of Spokane and the town of Mead, Wash., urging early consideration and enactment of House bill 4797, to provide for grants to the States for assistance to needy and incapacitated adults; to the Committee on Ways and Means.

3795. By Mr. SADOWSKI: Petition of the Renters and Consumers League, Detroit, Mich., supporting Government Home Borrowers Association; to the Committee on Appropriations.

3796. By the SPEAKER: Petition of the Social Security League of Texas, petitioning consideration of their resolution dated January 8, 1938, at Dallas, Tex., with reference to gold and silver; to the Committee on Ways and Means.

SENATE

SATURDAY, JANUARY 15, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, January 14, 1938, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The Clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Johnson, Colo.	Pope
Andrews	Connally	King	Radcliffe
Ashurst	Copeland	La Follette	Reynolds
Bailey	Dieterich	Lewis	Russell
Bankhead	Donahey	Lodge	Schwartz
Barkley	Duffy	Logan	Schwellenbach
Bilbo	Ellender	Loneragan	Sheppard
Bone	Frazier	Lundeen	Shipstead
Borah	Gibson	McAdoo	Smith
Bridges	Gillette	McCarran	Stelwer
Brown, Mich.	Glass	McGill	Thomas, Okla.
Brown, N. H.	Hale	McKellar	Thomas, Utah
Bulkley	Harrison	McNary	Townsend
Bulow	Hatch	Maloney	Truman
Burke	Hayden	Miller	Tydings
Byrd	Herring	Minton	Vandenberg
Byrnes	Hill	Murray	Van Nuys
Capper	Hitchcock	Norris	Walsh
Caraway	Holt	Overton	
Chavez	Johnson, Calif.	Pittman	

Mr. LEWIS. I announce that the senior Senator from Rhode Island [Mr. GERRY], the junior Senator from Rhode Island [Mr. GREEN], and the Senator from Delaware [Mr. HUGHES] are absent because of illness.

The Senator from New York [Mr. WAGNER] is absent because of a slight cold.

The Senator from Tennessee [Mr. BERRY], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Oklahoma [Mr. LEE], the Senator from New Jersey [Mr. MOORE], the Senator from West Virginia [Mr. NEELY], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Florida [Mr. PEPPER], the Senator from New Jersey [Mr. SMATHERS], and the Senator from Montana [Mr. WHEELER] are detained on important public business.

Mr. GIBSON. I announce that my colleague the senior Senator from Vermont [Mr. AUSTIN] is necessarily detained today from the Senate. I ask that this announcement stand for all quorum calls during the day.

Mr. McNARY. I announce that the Senator from Pennsylvania [Mr. DAVIS] is unavoidably absent on official business.

The VICE PRESIDENT. Seventy-eight Senators have answered to their names. A quorum is present.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, submitting a nomination, was communicated to the Senate by Mr. Latta, one of his secretaries.

COST-ASCERTAINMENT REPORT, POST OFFICE DEPARTMENT

The VICE PRESIDENT laid before the Senate a letter from the Postmaster General, transmitting, pursuant to law, the cost-ascertainment report, with appendix, showing the cost of carrying and handling the several classes of mail matter and of performing the special services for the fiscal year 1937, which, with the accompanying report and appendix, was referred to the Committee on Post Offices and Post Roads.

REPORT OF BOARD OF ACTUARIES OF THE CIVIL SERVICE RETIREMENT AND DISABILITY FUND (S. DOC. 133)

The VICE PRESIDENT laid before the Senate a letter from the President of the Civil Service Commission, transmitting, pursuant to law, the Seventeenth Annual Report of the Board of Actuaries of the Civil Service Retirement and Disability Fund (also embodying estimates made by the Board of several proposed changes in the Retirement Act), which, with the accompanying report, was referred to the Committee on Civil Service and ordered to be printed.

PETITIONS

The VICE PRESIDENT laid before the Senate the petition of Local No. 2 of the Licensed Tugmen's Protective Association, of Chicago, Ill., praying for the enactment of the bill (H. R. 8327) to promote interstate and foreign commerce, to improve the navigability of the Lakes-to-the-Gulf Water-

way, and for other purposes, which was referred to the Committee on Commerce.

He also laid before the Senate a resolution adopted by members of the Ford-Dearborn Post, No. 1494, Veterans of Foreign Wars of the United States, of Dearborn, Mich., endorsing the industrial principles and policies of Henry Ford, which was ordered to lie on the table.

Mr. LODGE presented a petition of sundry citizens of the State of Massachusetts, praying for the enactment of legislation to abolish the Federal Reserve System as presently constituted and to restore the congressional function of coining and issuing money and regulating the value thereof, which was referred to the Committee on Banking and Currency.

Mr. CAPPER presented a resolution adopted by District No. 14, Regional Office of the United Mine Workers of America, Pittsburg, Kans., favoring the enactment of the bill (H. R. 1543) to amend section 24 of the Immigration Act of 1917 relating to the compensation of certain Immigration and Naturalization Service employees, and for other purposes, which was referred to the Committee on Immigration.

Mr. COPELAND presented a petition of sundry citizens of the State of New York, praying for the enactment of the joint resolution (S. J. Res. 192) to repeal certain powers of the President and the Secretary of the Treasury relating to the issuing of \$3,000,000,000 of greenbacks, which was referred to the Committee on Banking and Currency.

He also presented a resolution adopted by Onondaga County (N. Y.) Pomona Grange, Patrons of Husbandry, favoring the careful checking of and avoidance of errors in crop reports so as to prevent undue or unreliable publicity in cases of prospective bumper crops until final reports are complete, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by Onondaga County (N. Y.) Pomona Grange, Patrons of Husbandry, favoring the enactment of legislation to eliminate tax-exempt securities, which was referred to the Committee on Finance.

He also presented a resolution adopted by Onondaga County (N. Y.) Pomona Grange, Patrons of Husbandry, favoring the adoption of measures looking to the preservation of peace, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the Building and Construction Trades Department of the American Federation of Labor, and endorsed by Local Union No. 112, of the United Association of Journeymen Plumbers and Steam Fitters, of Binghamton, N. Y., favoring the encouragement of private initiative in the construction industry and also the establishment of a sound and stable public fiscal policy, which was ordered to lie on the table.

REORGANIZATION OF EXECUTIVE AGENCIES—VIEWS OF MR. BYRD

Mr. BYRD, as a member of the Select Committee on Government Organization, submitted his individual views to accompany the bill (S. 2970) to provide for reorganizing agencies of the Government, extending the classified civil service, establishing a General Auditing Office and a Department of Welfare, and for other purposes, which were ordered to be printed as part II of Report No. 1236.

ADDITIONAL MEDICAL AND DENTAL OFFICERS FOR THE ARMY

Mr. SHEPPARD. Mr. President, from the Committee on Military Affairs, to which was referred the amendment of the House of Representatives to the bill (S. 2463) to authorize an additional number of medical and dental officers for the Army, I report it back with the recommendation that the Senate concur in the House amendment with an amendment at the end of the first paragraph of the House amendment to strike out the period and insert a comma and the following:

and the authorized commissioned strength of the Army is hereby increased by one hundred and fifty in order to provide for the increases herein authorized in the Medical and Dental Corps.

I therefore move that the Senate agree to the House amendment with the amendment reported by the Committee on Military Affairs.

The motion was agreed to.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON of Colorado:

A bill (S. 3252) to amend subsection (f) of section 1 of the act entitled "An act to establish a retirement system for employees of carriers subject to the Interstate Commerce Act, and for other purposes," approved August 29, 1935, as amended; to the Committee on Interstate Commerce.

(Mr. BILBO introduced Senate bill 3253, which was referred to the Committee on the Judiciary and appears under a separate heading.)

By Mr. VANDENBERG:

A bill (S. 3254) to amend section 112 of the Revenue Act of 1936, as amended, relating to recognition of gain or loss in case of certain sales; to the Committee on Finance.

ILLEGALITY OF MISCEGENATION IN TERRITORIES, POSSESSIONS, AND THE DISTRICT OF COLUMBIA

Mr. BILBO. I ask unanimous consent to introduce a bill for appropriate reference, and also request that the bill be printed in full in the RECORD.

The VICE PRESIDENT. Without objection, the bill will be received, appropriately referred and printed in the RECORD.

The bill (S. 3253) to prohibit the marriage in any Territory or possession of the United States, or in the District of Columbia, of any white person and any person who is not a white person, and for other purposes, was read twice by its title and referred to the Committee on the Judiciary, as follows:

Be it enacted, etc., That no ceremony performed in any Territory or possession of the United States, or in the District of Columbia, shall have the legal effect of marrying a white person and a person who is not a white person.

Sec. 2. It shall be unlawful, in any Territory or possession of the United States, or in the District of Columbia, for any white person knowingly to attempt to marry a person who is not a white person or for any person who is not a white person knowingly to attempt to marry a white person.

Sec. 3. It shall be unlawful for any person knowingly to conduct any ceremony in any Territory or possession of the United States, or in the District of Columbia, for the purpose of marrying a white person and a person who is not a white person.

Sec. 4. It shall be unlawful in any Territory or possession of the United States, or in the District of Columbia, for any white person knowingly to have carnal knowledge of any person who is not a white person, or for any person who is not a white person knowingly to have carnal knowledge of a white person.

Sec. 5. Any person violating any provision of this act shall, upon conviction thereof, be punished by imprisonment for not less than 2 years and not more than 5 years.

AMENDMENT OF FEDERAL TRADE COMMISSION ACT—PRINTING OF BILL WITH HOUSE AMENDMENT

On motion of Mr. BARKLEY, and by unanimous consent, the bill (S. 1077) to amend the act creating the Federal Trade Commission, to define its powers and duties, and for other purposes, was ordered to be printed showing the amendment of the House of Representatives.

FIRST MEETING PLACE OF SUPREME COURT IN WASHINGTON (S. DOC. NO. 132)

Mr. BARKLEY. At the request of the Senator from Arizona [Mr. ASHURST], I ask unanimous consent that certain letters and documents pertaining to the first meeting place of the Supreme Court in Washington, and biographies of the first three Commissioners of the city of Washington, and other matters pertaining to these subjects be printed as a Senate document.

The VICE PRESIDENT. Without objection it is so ordered.

SOCIAL SECURITY BOARD IN TENNESSEE

Mr. McKELLAR. Mr. President, I ask unanimous consent to have inserted in the RECORD a telegram concerning the social-security set-up in Tennessee.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

NASHVILLE, TENN., January 13, 1938.

Senator K. D. McKellar,

Washington, D. C.:

Have read account of your speech in Senate today charging use of social-security funds as a pay-off for votes for the unit bill. In this connection, as further evidence to sustain your charges, I refer you to the recent appointment of State Senator Albert W. Roberts by Governor Browning to membership on the board of review of the unemployment compensation division made expressly in violation of section 10, article 2, of the Constitution of Tennessee, which provides that no senator or representative shall, during the term for which he was elected, be eligible to appointment to any office or place of trust by the chief executive or the general assembly. I am advised that a quo warranto proceeding will be filed shortly in the courts of this county to vacate this appointment made by the chief executive in flagrant disregard of the constitution.

ELMER D. DAVIES.

JACKSON DAY DINNER ADDRESS BY JAMES W. MORRIS AT CONCORD, N. H.

[Mr. ANDREWS asked and obtained leave to have printed in the RECORD an address by James W. Morris, Assistant Attorney General of the United States, at the Jackson Day dinner at Concord, N. H., on January 8, 1938, which appears in the Appendix.]

NATIONAL GRANGE LEGISLATIVE PROGRAM

[Mr. BYRD asked and obtained leave to have printed in the RECORD a summary of resolutions and reports adopted at the seventy-first annual session of the National Grange, held at Harrisburg, Pa., November 10-18, 1937, which appears in the Appendix.]

EIGHTEENTH ANNIVERSARY OF THE EIGHTEENTH AMENDMENT

The VICE PRESIDENT. When the Senate took a recess yesterday the RECORD shows that the occupant of the chair at that time, the Senator from Missouri [Mr. CLARK] had agreed to recognize the Senator from Louisiana [Mr. ELLENDER], but the Chair finds that 2 or 3 days ago the Senator from Texas [Mr. SHEPPARD] gave notice that today he hoped to secure the attention of the Senate in order that he might deliver his annual oration on "the crime of '33." [Laughter.] So the Chair thinks he ought to recognize the Senator from Texas.

Mr. ELLENDER. Mr. President, I thoroughly understand the situation, and I would not be a party to any attempt to deprive the distinguished Senator from Texas of the opportunity of delivering his annual speech on prohibition.

Mr. SHEPPARD. Mr. President, tomorrow marks the eighteenth anniversary of the beginning of the eighteenth amendment and the passing of a little more than 4 years since its repeal. Let us pause to consider the present status of the liquor problem and the results of repeal.

The evils of intoxicating liquors were well known to the American people when they decided to arrest them through Nation-wide prohibition. The American people were familiar with these evils, with the economic, social, and physical consequences these evils had produced. The American people were determined to eradicate these consequences. It is significant also to observe that this determination had been stimulated by the presence of war, a circumstance which had aroused in them a consciousness of the necessity for the preservation in full measure of all their faculties—physical, intellectual, and moral. It was found necessary to conserve these faculties to meet the problems of war. Why not conserve them to meet the problems of peace?

In the latter part of 1929 we witnessed the beginning of a long and perilous depression. As wave after wave of economic disaster submerged us we became more and more desperate and like a drowning man reached for a straw.

And there was liquor ready with the straw. The hour for which the arch foe had waited was at hand.

In a struggle for material existence we raised the dollar above the soul. Dollars were few after 1929. Yet we made those dollars fewer, so far as the substantial of life were concerned, when by repeal we invited their wastage on liquor.

We were told by our opponents that with the repeal of prohibition, with the Nation free from what they were pleased to term "prohibition poison," free from the resentment against the "thou shalt not" of prohibition which they said was driving increasing multitudes to drink, moderation and temperance in drink would develop and the evils due to liquor would lessen.

What happened?

Stocks of whisky in the United States at the close of the fiscal year ending June 30, 1937, amounted to 445,285,663 gallons.

This was 167,000,000 gallons more than were in the United States at the close of the fiscal year ending June 30, 1914, the peak year in all our history for whisky stocks in existence. The amount of whisky in the United States last year was, therefore, an all-time high in American history. This indicates that a larger volume of consumption is anticipated by the liquor trade than ever before.

Of these whisky stocks, 1,846,181 gallons were over 4 years old; 13,880,214 gallons were 3 to 4 years old; 46,879,936 gallons were 2 to 3 years old; 163,669,344 gallons were 1 to 2 years old; 219,009,988 gallons were less than 1 year old.

Note the fateful stairway.

During this same fiscal year whisky distilleries increased from 112 to 126; all liquor distilleries, including whisky, from 269 to 273. Liquor imports, including wines, increased to 20,000,000 gallons from 13,000,000 gallons during the preceding fiscal year. During the fiscal year ending June 30, 1937, there were 437,380 retail liquor dealers in the United States as compared with 422,587 such dealers during the preceding fiscal year. This number of retail spirituous-liquor dealers and malt-liquor dealers for the fiscal year ending June 30, 1937, was almost two and a half times the number of retail liquor dealers in 1919, the year the eighteenth amendment was ratified. Retail liquor licenses are now being issued in the proportion of about 1 for every 295 of our entire population. I have taken these figures as to production and consumption of liquors, number of retail liquor dealers and licenses from the records of the Bureau of Internal Revenue.

It is estimated by Editor and Publisher, an established journal for the newspaper trade, in its edition of December 18, 1937, that in the 4 years of repeal since 1933 the sum of \$75,000,000 has been expended for promotion of alcoholic liquors in newspaper advertising alone, not including magazines and other periodicals, and not including radio advertising, billboards, and other forms of publicity. It is said in the course of this estimate that the liquor interests are seeking space in college publications, that National Advertising Service, Inc., New York, representing 876 college newspapers, has announced that 101 of these college papers now accept beer advertising and that 25 of the leading ones take advertising for hard liquors.

So skillfully are these liquor ads devised and so alluringly presented that they may well account for one of the principal causes of the spread of the liquor evil.

First, I call attention to some of them with appeals based on the pretended quality of the beverage poison to which the American people are being taught by press and radio entering home and shop and office to become addicts. These contain the following expressions:

"A good head on a fine body."

"Made of choicest malt and hops."

"Controlled brewing."

"Rocked to bring out full true flavor."

"A gentleman's whisky."

"Richer whisky."

"Robust."

"A dry whisky—truly dry." (This is apparently a snare for the dries.)

Second, are those based on appeal to the pocketbook, reading in part as follows:

"High hat at low price."

"You use less. Two extra highballs to the pint."

"Unmatched value."

Third, comes the appeal to appetite, to wit:

"Judge quality by taste."

"Super smooth, friendlier to the taste."

"Goes down easily."

"True character and aroma."

"Its tang is mindful of an October morn on Chesapeake Bay."

"Superbly mellow."

"Brisk and keen flavored."

Fourth, comes the appeal to public approval, namely:

"Admiring throngs acclaim it."

"Bows to public preference."

"By public acclaim the best."

Fifth, comes the appeal to conviviality, expressed as follows:

"Presented in a spirit of friendliness."

"Warm up your welcome with" (a certain brand).

"If you are asked what Christmas gift, the answer would be" (another brand).

Sixth, comes the appeal to habit:

"You couldn't pry me loose with a crowbar."

Nor has the craft hesitated to invoke the appeal of the feminine. A properly appointed table with fine linen and cut glass and a delicate feminine hand about to pour wine is undoubtedly expected to create an appeal difficult to resist.

The appeal of nature is portrayed by a western sunset with the suggestion that the golden sunshine of the West has been bottled with a liquid poison.

An appeal to the historical is seen in the ad where the head of a great naval officer decorates an alleged gentleman's whisky and the name of a famous home another, and to make the lure all the stronger this aristocratic whisky is offered at a democratic price.

Nor is the appeal of the liquor ad confined to words alone. Present in connection with many liquor ads is the picture of the bottle. And what an assortment of bottles these ads present—square bottles, round bottles, flat bottles, crackled bottles, short bottles, tall bottles! How the imagination of the bottle makers has been called upon to fascinate the prospective customer! Big bottles, little bottles, red bottles, amber bottles, black bottles, blue bottles—all 99 of them hanging on the wall.

Not even his religious fervor has spared the Quaker, whose broad hat and flowing stock are made to adorn the label on a bottle of whisky. And he is made even to smile. Warming the guest in snowy coat and hat with a glassful of alcoholic brew is supposed to indicate the acme of hospitality, and a huge barrel is supposed to dispel all fear of scarcity.

By these and other means the liquor industry traps its victims. These ads with their glowing descriptions appear wherever it is hoped they will be seen and read. The liquor industry uses modern methods to ensnare. What a commentary on a civilization confronted with a depressed agriculture and a struggling manufacture, with unemployment technological and otherwise, with a third of the Nation insufficiently housed and fed and clothed!

What a lack of balance in the national character! What a weakening of that moral fiber necessary to find new frontiers in a national economy! What a menace to a generation which is to follow us! We are all too prone to criticize the youth of today for its alleged freedom, its alleged lack of moral strength, little mindful of the fact that we ourselves are responsible for the conditions, the environments, the institutions, the habits and practices and temptations that degrade and damn the innocent, the unsuspecting, the unthinking, the susceptible, and the immature.

Now what further has happened in connection with the liquor traffic since repeal?

There has been a steady increase since repeal in offenses for which liquor is directly responsible. The ratio per hundred thousand of the population of those charged with intoxication was 102.6 percent more in wet 1936 than in 1932, the last complete dry year. The ratio of arrests for driving while intoxicated was 48.7 greater in wet 1936 than in 1932, the last

complete dry year. See Uniform Crime Reports, Federal Bureau of Investigation, Department of Justice.

The average population of Federal penal institutions for the fiscal year 1937 was the highest in the history of the Nation, and the number of commitments for violations of Federal liquor statutes had reached 5,390, an all-time high. See Annual Report, Attorney General, United States, 1937.

The annual reports of the Attorney General of the United States show that in 1927 under prohibition 26.1 of the total commitments to Federal penal institutions were for violation of the liquor laws, that under repeal the percentage rose to 39.3 percent in 1934, 51 percent in 1935, 52 percent in 1936, and 51 percent in 1937.

Traffic fatalities continued to grow during the calendar year 1937, despite the best efforts of highway engineers and the makers of motorcars to eliminate hazards. The National Safety Council has reported that traffic deaths during the calendar year 1937 were 39,700, an all-time high, that the number of these deaths was 39,000 in 1935, 38,000 in 1936.

A statement by Dr. Walter R. Miles, of the Yale Institute of Human Relations, in an address in December 1933 may be summarized as follows: Although alcohol is directly mentioned in only 7 to 10 percent of fatal highway traffic accidents, it is the belief of informed traffic officials that a third of such accidents were at least partly chargeable to use of alcohol by the driver. During the preceding 15 years more of our citizens had been killed in automobile accidents than had lost their lives in military action or died of wounds in all our foreign and domestic wars. Our death toll from the automobile was approaching 100 lives per day and the number injured in various degrees short of death amounted to nearly 2,500 per day. Although the percentage of alcohol's contribution to these figures cannot be stated exactly, it is known to be quite material. Alcohol is among the more specific things that can be pointed to as predisposing causes in the auto accident picture.

The manufacturers of automobiles, aroused by figures from the New York State Motor Vehicle Bureau to the effect that the number of driving licenses revoked during the first 6 months of 1937 was nearly double the number of those revoked in the first 6 months of 1936, while convictions of intoxicated drivers by the New York courts rose 58 percent in the same period, are taking up the problem of the drunken driver. The Automobile Manufacturers Association has already appropriated \$300,000 for a general safety campaign. Alvin McCauley, president of the association and also president of the Packard Motor Car Co., made the following statement in connection with these disclosures:

In view of the rise in accidents from this cause we will concentrate on just that thing—drunk driving.

In an article in the New York Times of December 5, 1937, the fourth anniversary of repeal, Yandell Henderson, professor of applied physiology, Yale University, and long-time student of liquor problems said that all classes of motor accidents are being steadily decreased by measures of traffic supervision, except one, but that in this one class the increase outweighed the decrease in all others; namely, the class of accidents occurring chiefly between sunset and early morning, the class in which alcoholic intoxication plays a major part—that the numberless empty bottles and flasks tossed from cars along our highways tell their own story.

While every encouragement should be given to mechanical and highway engineers and to scientists in their studies of highway deaths and injuries, we are, as I view the matter, indulging in a vain hope if we use this method of approach alone. It is not sufficient to devise methods for determining after the accident whether a driver has been drinking. A far more effective way would be to alter our present policy of making liquor readily accessible and of stimulating its sale and consumption with Government sanction.

The Nation and the States are now launching a new venture for the promotion of social security in order to provide insurance against unemployment and against dependency, to provide old-age pensions, public-health benefits, maternity

aid, and child welfare. For many years sociologists have recognized that liquor has been a large factor in rendering men unfit for employment, in creating dependency, and in undermining the public health. A recent Government survey shows from 8,000,000 to 11,000,000 out of work. If we are to deal intelligently with the problem of social security we must study the causes of insecurity. According to a careful estimate, the national drink bill for the last fiscal year was between three billion and three and a half billion dollars, and it continues to increase. In view of the growing inroads of the liquor habit on the earning power and employment capacity of the people, good business and sound social policy suggest the need for determining the extent to which the widespread and multiplying use of liquors and the diversion of mass purchasing power are contributing to our present social and economic problems. Clearly the liquor traffic is one of the chief causes of social insecurity and its abolition would lift a tremendous burden in the matter of expenditures for the relief of the human wreckage this traffic produces.

With all the evils which the liquor traffic brought upon the Nation before the passage of the eighteenth amendment returning in multiplied degree and in new and more dangerous guises within 4 years after repeal, it is little wonder that our old antagonist, the United States Brewers Association, at its diamond jubilee convention at Pittsburgh in October 1937, issued a call for all brewers throughout the country to close ranks for intensive resistance to what speakers at the convention had characterized as the new tide of prohibition sentiment. Alarmed by the gains recently registered by the dries in local option elections in large and widely separated areas, the convention urged all sectional, State, district, and local brewers' associations, boards of trade, institutes, and exchanges to consider local option as essentially their problem and to join in efforts to defeat the dry return.

During 1937, three State-wide elections were held, in each of which the total vote throughout the State was against legalized liquor sale, to wit: Alabama, Georgia, and Tennessee.

In Alabama a beverage control act was submitted to a vote on March 10, 1937. It permitted counties voting in favor of it to regulate and control the manufacture and sale of spirituous alcoholic beverages, malt beverages of 4 percent alcoholic content, and vinous beverages of an alcoholic content of 24 percent or less, through the establishment of State liquor stores. In counties voting against the measure the statutes of Alabama prohibiting the manufacture, sale, or distribution of alcoholic beverages were to remain in full force and effect. The total vote cast in the State was 98,051 for and 100,473 against the measure, a State-wide dry majority of 2,422. Twenty-four counties voted wet, and liquor sale by State stores was legalized immediately in those counties, while the 43 counties voting against the measure remain under State prohibition. Several elections have been held since in that State, but the wet-and-dry status remains the same.

In Georgia the dries defeated, on June 8, 1937, a proposal to repeal the prohibition statute effective in the State since January 1, 1908, by a vote of 103,097 to 94,575, a dry majority of 8,522.

The State of Tennessee, in an advisory referendum on September 23, 1937, voted 3 to 1 against the repeal of the present prohibition laws in that State. The official vote was 103,276 against State repeal to 36,839 for such repeal, a majority of 66,437 in favor of the retention of State prohibition.

There are 35 States in which, under present liquor laws, opportunity is afforded under local option for an expression of the sentiment of the people in local governmental units on some phase of the legalization of the traffic in alcoholic beverages. These laws vary greatly in regard to the manner of calling an election, the frequency with which the elections may be held, and the questions which may be placed upon the ballot. Summaries recently compiled show that increasingly the people are availing themselves of the opportunity to protest in some form against the sale of liquor.

Thus in the State of Texas, my home State, latest advices show that as of December 17, 1937, out of a total of 254 counties, 114 are wholly dry, 96 are wholly wet, 42 permit sale of 4-percent beer only, and 2 permit sale of 14-percent beverages.

In Maine, where local-option elections are held in each town biennially in the even years, on spirits, wines, and beer, 267 of the 515 towns, or 51.8 percent, voted dry in 1936. Eight towns permit sales of spirits and 27 beer only.

In Michigan, the capital city of Lansing, voted in November 1937 against the sale of hard liquors by the drink, as did also the cities of Kalamazoo and Royal Oak.

In Pennsylvania, during 1937, 79 communities voted against liquor licenses and 98 against beer licenses. In the communities of Ohio in which the vote was taken in 1937, 58 voted against sale of hard liquor and 26 for the sale of it, while 56 voted against beer and 25 for the sale of beer.

These results are striking indications that the people are becoming dissatisfied and convinced that repeal promises have not been kept, also that present conditions resulting from the sale of liquor need to be changed.

It will not do to say that prohibition will not prohibit. It will prohibit if public opinion is sufficiently behind it. It is my conviction that a public opinion thoroughly informed regarding the antisocial nature of alcoholic drink and the alcoholic trade is rapidly developing in this country.

It is my further conviction that the American people will not tolerate this evil much longer, and that we shall be called upon as Federal lawmakers once again to enact national legislation to eradicate the greatest social menace in the history of civilization, the traffic in beverage alcohol, a traffic that expends millions to keep the alcoholic lure alive. That traffic is going to such lengths as to make certain another fall.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The PRESIDING OFFICER (Mr. ASHURST in the chair) laid before the Senate a message from the President of the United States submitting the nomination of Stanley Reed, of Kentucky, to be an Associate Justice of the Supreme Court of the United States, which was referred to the Committee on the Judiciary.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

Mr. ELLENDER. Mr. President, in the course of my remarks yesterday I asked and received permission to have printed in connection with my remarks a table which presents a comparison of crimes committed by Negroes and whites in the city of New Orleans with those committed by Negroes and whites in the city of Washington, D. C. I propose to say a few words in addition to what I said yesterday with reference to that table, and I ask that that table be reinserted in today's RECORD following my remarks.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana that the table be printed in the RECORD at the conclusion of the Senator's remarks? The Chair hears none, and it is so ordered.

[See Exhibit A.]

Mr. ELLENDER. Mr. President, as I pointed out yesterday, the total population of the city of New Orleans in 1930 was 458,762 persons. I take the figures for 1930 because those are the only census figures available at this time. Of the total population of New Orleans, 129,632 were Negroes, or 28 percent of the total. In the city of Washington, or the District of Columbia, the total population in 1930 was 486,869, of which 27 percent, or 132,068 persons, were Negroes.

Let us now examine again the difference in the number of persons who were arrested for certain crimes in these two cities, not only to compare the number of colored persons arrested within the city of Washington with those arrested

within the city of New Orleans, but also to compare the number of white persons arrested for crime in the city of New Orleans compared with the number of white persons arrested in the city of Washington.

I do not pretend to charge that the authorities of the city of Washington are not attempting to do their duty with reference to law enforcement. Any argument to this effect would fail, because the table I refer to shows that almost the same number of white persons were arrested in the city of Washington as were arrested in the city of New Orleans.

There is very little difference between the number of white persons arrested in the two cities. However, I do wish to point out to the Senate again the vast difference which exists between the number of arrests and incarcerations of Negroes in New Orleans and the number recorded in the city of Washington. I think the table is worthy of the consideration of the Senate, because it shows conclusively that the District of Columbia, which is under Federal control, which operates under and by virtue of statutes enacted by Congress, which deal exclusively with the people in the District of Columbia, has failed in law enforcement when comparison is made with what the people and the law authorities in New Orleans have done with its Negro problem. I propose to show that the Federal Government has failed in that respect.

Mr. POPE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. POPE. Has the Senator made any comparison between Washington and other cities than New Orleans—say Chicago or Cincinnati?

Mr. ELLENDER. No; but for the information of the Senator I will say that I am working on that proposition now, and at the proper time I intend to place in the RECORD such data as I may obtain. I am now working on a comparison not only in regard to Chicago, but I am taking various cities in the South and adding their population in order to get a population equal to that of a certain city in the North; my purpose being to show the vast difference in arrests when comparison is made with the population of a number of southern cities which equals the population of a city in the North.

Mr. POPE. What is the Senator's explanation of the difference in the number of arrests of colored people in the city of Washington compared to the number of arrests of colored people in New Orleans, a city with about the same percentage of population?

Mr. ELLENDER. I shall be frank with the Senator and state what I sincerely believe to be the cause for it. I stated yesterday and I cannot find any other reason for it, but down South a Negro is polite by instinct. He has not the intelligence to discriminate, and the moment he is given some little authority, a foot of it, he will attempt to take a yard. Up here in Washington it is necessary that I pass through a portion of the Negro district on my way to my apartment every day, and I see many things that are repugnant to a southerner. I will not say this condition would not be permitted in parts of the South, but the white people there know where to draw the line and the associations would not be in the same manner, nor would social equality be permitted or tolerated as is done here in Washington. We know the colored man to be an imitator, and when he is put on a basis of social equality with the white man he tries to follow and do what the white man does. He may have a certain degree of ambition but his judgment is poor, and when he imagines himself equal to the white man he feels that he can do the same thing with respect to the white race that a white man can, and there is where he gets into trouble.

I maintain that the people of the North, as individuals, are more opposed to associating with the Negroes than are we in the South. They are less tolerant of the Negro than the southerners. And, as I said, the Negroes in the North violate the law more than those in the South because they are more impudent. They get to feeling that they are equal to the white man, and what he can do they can do; and the first thing you know they have overstepped the law and land in jail.

In those communities in the South where the Negro population is far in excess of the white population Senators will find a greater amount of infraction of the law than in those places where the white population predominates. Why is that? Because in such places the Negroes take for granted that they are stronger and have a right to associate socially with the whites. Then he deserves all the trouble he gets into. I want the Senate to know that at no time in my experience as a lawmaker has the Legislature of Louisiana or any municipal body in Louisiana ever attempted to establish a difference insofar as the property rights and economic rights of the two races are concerned. However, we draw the line with respect to legislation that will make it possible for the whites and the colored to rub elbows together; because, I repeat, and I hope it will sink in, political equality leads to social equality, and social equality will eventually spell the decay and downfall of our American civilization.

It may not occur in my lifetime but it is coming. If the attempt is made to amalgamate the two races a Nation of half-breeds will result.

From the action of some northern politicians it seems very obvious that they have agreed to put the Negroes on the same equality with the whites. Their ignorance is pitiful, and I do not think they have considered the result. I do not think the people of the North realize what is being promoted, but I propose to show that it is going on, and to read statutes from every State in the Union that has passed laws indicating that tendency. I will show how a small handful of Negroes congregate in large cities in the North, a community here, a community there, and under the leadership of some low white, they are able to get together with the politicians of those States who are willing to trade social-equality legislation for their vote. I cannot believe that the white people of those States know that that is being done. If they did, pride in their own race would prevent it.

Mr. President, I am glad of the interruption by the Senator from Idaho [Mr. POPE].

I now return to the tables. As I pointed out yesterday, in 1935 in the city of New Orleans there was a total of 1,527 arrests, both whites and blacks, for murder, manslaughter, rape, robbery, aggravated assault, burglary, larceny, and auto thefts. Keep that figure—1,527—in mind.

In the city of Washington during the same year, for the same offenses—no additional offenses, but for the same offenses—there was a total of 2,985 arrests as to both races. In other words, in the city of New Orleans, where the Negro population is 28 percent of the entire population, there were 1,527 arrests, 735 of which were of persons of the colored race, and 792 were white persons.

In the city of Washington, out of a total of 2,985 arrests, 2,004 were arrests of colored persons and 981 were arrests of white persons.

In other words, in the city of Washington in the year 1935 more than two Negroes were arrested to every white person arrested, although only 28 percent of the entire population of Washington is composed of Negroes. Stop and think of that. With 28 percent of the entire population of the city of Washington made up of Negroes, 2,004 Negroes were arrested as contrasted to 981 white people.

Now, let us take the figures showing the number of arrests of white persons in Washington and compare them with the number of arrests of white persons in New Orleans, and note the difference. In the city of Washington, with a total population of 486,869, according to the 1930 census, 981 white people were arrested in 1935, whereas in New Orleans, with a total population of 458,762, 792 white people were arrested. In Washington approximately 200 more white people were arrested than were arrested in the city of New Orleans.

Now, let us take the figures for the year 1936, which paint an even more graphic picture of what I am attempting to show the Senate, namely, that the city of Washington, which is under Federal control and operated under the eyes of the Federal officials, has utterly failed in its efforts to deal with the colored problem. Yet the effort is being made to send

Federal officers into the South to show us how to deal with the Negro problem, when the Government has proved itself unable to cope with the situation at hand.

The figures for 1936 paint a darker picture than do those for 1935, about which I have just been speaking. In New Orleans, with a Negro population, I repeat, equal to 28 percent of the total, 718 Negroes were arrested in comparison to 753 whites. In other words, with 72 percent of the population of New Orleans composed of white people, 753 whites were arrested, and, with 28 percent of the population made up of Negroes, 718 Negroes were arrested, making the total number of arrests 1,471.

Now, let us see what the condition in this respect was in the city of Washington. With a total population of 486,869, of which 27 percent were colored, 777 white people were arrested in Washington, while of the Negroes, numbering only 27 percent of the population, 2,810 were arrested, making a total number of arrests, Negroes and whites, of 3,587.

Mr. CONNALLY. Mr. President, will the Senator yield? The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Louisiana yield to the Senator from Texas?

Mr. ELLENDER. I yield for a question.

Mr. CONNALLY. Do I correctly understand the Senator's argument and the statistics which he submits to establish the fact that in the North, whence this measure comes, the percentage of criminality and law violations among the colored people is very much higher as compared with their population than it is in the South, against which this bill is aimed?

Mr. ELLENDER. That is correct.

Mr. CONNALLY. In other words, the northern people have made such a sorry spectacle of their own law-enforcement activities against the colored race that instead of suppressing crime they have stimulated and increased crime to a much larger percentage among the colored population?

Mr. ELLENDER. Yes; and let me say to the Senator that, in my opinion, the best thing that could be done would be to send a few good southerners into the North to show the people of that section how to deal with the problem. I invite the law-enforcement officers of the North to try the experiment. They would benefit by it.

As I emphasized yesterday, we of the South do not hate the Negroes; we like them; but we see to it that socially they remain separate from the whites. We do not rub elbows with them. That is the distinction made and that, it seems to me, is the cause for the much better conditions in the South amongst the Negroes with respect to crime, as compared to conditions in the North. I invite anyone to argue against that statement; I should like to hear his opinion; personally I cannot conceive of a convincing argument that can be advanced.

To return now to the table and to finish my comparison: The total number of arrests for the crimes specified in the city of Washington, with almost the same population as that of New Orleans, in 1936 was 3,587, while in New Orleans it was 1,471. In the city of New Orleans 753 white people were arrested as against 718 Negroes, while in Washington 777 whites were arrested as against 2,810 Negroes. The Members of the Senate can see how close these figures are with reference to law enforcement pertaining to the whites of the North in a city of considerable size, as compared to the whites in the South in a city of approximately the same size. As I said a while ago, because of that fact, it would be foolish to argue that in the city of Washington there is a laxity of law enforcement. I say that if law enforcement in Washington had broken down at all, it would have broken down for the white people as well as for the Negroes. But that record speaks for itself, and I hope every Senator will study it.

Mr. President, I now ask, What interest have certain States in this measure? When I am able to show that during their entire existence from the time they were admitted to the Union until today, there are instances where less than one-tenth of 1 percent of their entire population are Negroes,

I think it may be admitted that such States do not have to contend with the same problem that confronts us in the South. As I said previously, in places where the Negro is in the majority, watch him. Where he is in the minority it is not necessary to pay much attention to him; he will usually stay to himself.

In the large cities, however, where Negroes congregate, as, for instance, in New York, we know who the kingpin is in Harlem. He preys upon their ignorance and incites them. Always he is a white man, and he has colored henchmen there, and in Indianapolis, in Chicago, and in other localities where there may be five or six Negroes to one white man. These Negroes are the small kingpins, and they are demanding to have certain things done for them in the legislatures of their respective States in return for their vote. Most of them demand social-equality laws, of which I will give a few examples to the Senate later and incorporate them in the RECORD.

I asked the question yesterday, What interest has the State of Maine in this measure when its Negro population is less than one-tenth of 1 percent of its total population? Now I will cite New Hampshire. In 1930 two-tenths of 1 percent of the population of New Hampshire were Negroes.

It is strange to note, in studying this problem, that in the early days of our country's development there was a greater proportion of Negroes found in the first States of the Union, in the North, than are found in those States now. I will state the reason for that condition. The South has been accused of fostering the slavery question, of keeping it alive, and of luring Negroes down into its territory. The records show, however, that in the early days the Northern States were as much interested in slavery as were the Southern States. The reason why the slavery traffic which later agitated the Northern States did not prosper was that their climate was too severe on the colored folk, whereas the climate in the South was much the same as that of dark Africa from which the Negroes had come. It is evident that the only reason why slavery did not spread in the North was because the Negro was not an economic asset for the North; but he was for the South. That is why, I believe, in years gone by the Negroes congregated largely in the South; and, as I remarked yesterday, the South has most of them there yet. We do not intend to drive them out; we deal with them fairly; but we do not propose, so far as I am concerned—and in saying this I think I express the true sentiment of every southerner who has had dealings with the Negroes—to mix with them socially. We will never amalgamate our white people with the Negroes; we intend to keep the races separate.

Recurring now to this table, I repeat that New Hampshire according to the census of 1930, had two-tenths of 1 percent of Negroes in its population. In 1920 one-tenth of 1 percent of its population were Negroes, and the highest percentage of Negroes it has ever had was six-tenths of 1 percent, which was away back in 1790, and which brings out the point I just made, that in the early days, the Negro slave was welcome in the Northern States and would have been encouraged to remain had the climate favored him.

Let me inquire now, What interest has Vermont in this measure? Can any Senator rise on the floor of the Senate and say that Vermont, with a population of two-tenths of 1 percent consisting of Negroes, understands the Negro problem as does the State of Mississippi, whose population is 50 percent Negro?

Senators, can you agree that a man from Vermont would be as familiar with the Negro problem as a Mississippian or a South Carolinian, in whose States the Negro population is almost equal to the white population, and where at one time the Negro population was seventy-odd percent of the total? I say such an individual cannot know the problem. What ought to be done, in justice to the South, is to forget politics and to consider seriously the far-reaching effects of this problem. America must stand for white supremacy; for if we do not, I say to you that our civilization will deteriorate

as did that of Egypt, of India, of Haiti, and of other countries of the world in the past. That is what may happen to us, and I am not willing to silently permit it.

Louisiana has had as much as 59 percent and now has 37 percent of its entire population Negro. What right has Massachusetts, with a little over 1 percent of its entire population Negro, and that 1 percent congregated principally in Boston and two other of its large cities, to come here and tell Louisiana how it should handle its Negro problem? It seems I recall reading that the people of Massachusetts had slaves in the early days, believed in slavery; and away back in 1790 and 1800, 1.5 percent of the entire population of the State were slaves.

Let us now take the case of Rhode Island. In 1790 Rhode Island had 6.3 percent of its entire population colored. Today the proportion has simmered down to 1.4 percent. I again ask how can you compare the knowledge of Rhode Island on this issue with that of a Southern State which is dominated by Negroes as far as population is concerned?

Members of the Senate, I could go down the list and show that the ratio of Negroes in the various States of the North is so small, so infinitesimal in comparison to the total population of the Southern States, that the people of the North cannot possibly know or understand anything about the Negro problem, and that they should leave it to those who are unfortunate enough to have the Negroes as their wards.

All Senators know what occurred soon after the Civil War. Societies were organized throughout the country to deal with this problem. What was proposed? To deport the Negroes; to send them to Liberia; to send them to the continent whence they came; and today we have active societies that are still demanding that that be done. There is little force back of them, but they continue to function.

Now let us revert to the South. I am sure the State of Virginia ought to know something about the Negro problem, because within its borders, since it has been admitted to the Union, as high a proportion as 43.4 percent of its entire population has been composed of Negroes.

Take the case of the State of North Carolina, another Southern State. During its entire history the greatest number of Negroes in that State amounted to 38 percent of the entire population. Can it be said that the Representatives and Senators from North Carolina do not know more about the Negro problem than those from New Hampshire, which has only two-tenths of 1 percent Negro population?

Take the case of South Carolina. I must correct an error made previously. The greatest proportion of Negroes of the entire population of South Carolina at any time in its history was 60.7 percent. I stated seventy-odd percent a while ago.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from Maryland.

Mr. TYDINGS. Would the Senator welcome some questions about the pending bill at this time, or would he prefer that I should not interrupt him?

Mr. ELLENDER. I do not mind interruptions. I will answer the Senator's questions if I can. I shall be glad to endeavor to do so.

Mr. TYDINGS. I have a couple of short questions. I have no desire to consume undue time.

It has been represented to me that as the bill is now drawn, if a person thought to have been guilty of a crime is lynched before the sheriff obtains custody of the supposed criminal, the provisions of the bill would not apply.

Mr. ELLENDER. To the officer.

Mr. TYDINGS. To the officer and the county.

Mr. ELLENDER. No, sir; to the officer. Read section 3, as it applies to the criminal aspect of the bill as it affects all officers, and section 5, as it applies to the civil liability of the county or governmental subdivision of a State to which the State shall have delegated police powers.

Mr. TYDINGS. Would they still apply to the county?

Mr. ELLENDER. Yes, sir; under section 5, as I understand it, the provisions of the bill would apply, and that is what I propose to discuss in a few minutes. I can hardly conceive of a case where the county would not be made liable, whether or not the culprit were in the hands of the officers. I invite comparison of the language in sections 3 and 5 of the bill.

Mr. TYDINGS. My understanding is that unless it could be shown that the sheriff was negligent and failed to try to apprehend the supposed criminal, the bill would not apply; that it would apply only where the sheriff could be proven to be negligent.

Mr. ELLENDER. That is not my understanding of the bill, Mr. President. I may have misread it. What the Senator states applies principally under section 3, as it affects criminal prosecution against the officer; but, so far as the civil liability is concerned, as I understand, this is the situation:

I may be here in the Senate doing my duty as a Member of it. The sheriff of the parish of Terrebonne may apprehend a criminal who is charged, let us say, with rape. The sheriff may put the man in jail; he may do all he can do to keep his prisoner in custody; and yet if one of my constituents goes near the jail, and the sheriff says, "Mr. John Doe, I want you to help me prevent this man from being lynched," and John Doe says, "No, no; I am afraid I might be shot," and he walks away, and the man is lynched, under the pending bill I, as a taxpayer, may be made to pay the next of kin of the man lynched from two to ten thousand dollars. I quote from the bill, page 9, line 18:

That the governmental subdivision may prove by a preponderance of evidence as an affirmative defense that the officers thereof charged with the duty of preserving the peace, and citizens thereof, when called upon by any such officer, used diligence and all powers vested in them for the protection of the person lynched—

And so forth. What does that language mean? How could a county escape?

Mr. TYDINGS. Mr. President, will the Senator further yield?

Mr. ELLENDER. I yield.

Mr. TYDINGS. I do not think the Senator grasped the import of my question. My question was this:

As I understand the bill, if the sheriff gets custody or tries to get custody of a man accused of a crime, and then a mob takes him away from the sheriff, or seizes the accused before the sheriff can arrest him, assuming that the sheriff tries to apprehend the prisoner first, in that case the fine would apply. My question was, Would it apply if the sheriff did not secure custody of the accused, but the mob seized the accused and lynched him before he could be taken into custody? My understanding is that in that case the fine would not be levied on the county.

Mr. ELLENDER. Yes; I do understand the Senator. The bill creates two separate and distinct conditions under which criminal and civil liability may be imposed. When the officer has custody of the criminal, and uses due diligence, and fails to hold the victim after exercising all due diligence, he may not be fined and sent to the penitentiary, provided he has used due diligence in apprehending the members of the mob who took the prisoner from him; but when it comes to the imposition of damages against the county, I do not understand that the bill relieves the county should the lynching occur, whether or not the culprit is in the custody of the officers of the law. It is so worded that no legitimate defense could be made to free the county from liability, and all the county could do would be to pay off. That is the way I interpret section 5 as it affects the county. Study the language as it relates to the burden of proof imposed on the county and to which I have referred.

Mr. TYDINGS. I think the Senator is right; but he has not answered the question which I addressed to him. Let me ask it again.

Mr. ELLENDER. As I understand, one of the things the Senator wishes to know is whether it is true that unless the culprit is in the hands of the officer, the officer is not responsible. That is correct in a way. He is not responsible

if he is able to show that he did not willfully neglect, refuse, or fail to make all diligent efforts not only to protect the culprit he has in custody but if perchance he loses custody he must further show that he used diligence, and so forth, to apprehend the persons who formed the mob and who took the culprit from his custody.

Mr. TYDINGS. Then may I ask the Senator a further question? The Senator has just said, in effect, that if the lynching takes place without the culprit being in the hands of the law, the fine does not apply.

Mr. ELLENDER. The fine and imprisonment to the officer do not apply, provided the conditions I have just mentioned are met.

Mr. TYDINGS. I am talking about the fine to the county.

Mr. ELLENDER. I did not have the county in mind. I refer to the officer. No liability can be invoked against the officer unless the culprit is in his custody; provided further, however, as I heretofore stated, that such officer is not guilty of having failed in his duty to apprehend the persons forming the mob. Read lines 5, 6, 7, and 8 of the bill on page 8.

Mr. TYDINGS. As I understand, if the officer exercises due diligence, or at least if it cannot be proved that he has been negligent, and the culprit never has been in the hands of the law, in that case neither the county nor the sheriff is subject to fine.

Mr. ELLENDER. No; in the section dealing with the officer there is nothing to make the officer civilly liable. He is amenable only to the criminal law—that is, to a fine or imprisonment, or both. Unless and until the culprit is in his hands, and if not in his hands, if he has used due diligence to apprehend him, he is not amenable to the criminal provisions of the proposed bill. Should the culprit be in his hands, he must further show that he diligently tried to apprehend the members of the mob.

Mr. TYDINGS. The Senator has not yet grasped my question, if I may say so. Perhaps it is due to my faulty way of stating it. Let me state it again.

Assuming that the officer uses due diligence in attempting to apprehend and bring the accused into custody, on the one hand, and assuming that in spite of his having used that due diligence the mob gets the culprit first and lynches him, does the fine apply to the county?

Mr. ELLENDER. Yes; the fine does apply. Read section 5 for just a minute and digest it, if you will:

Every governmental subdivision of the State to which the State shall have delegated functions of police shall be responsible for any lynching occurring within its territorial jurisdiction.

The other sections deal with the officer, and as far as the officer is concerned the bill creates a criminal offense—not that he may be charged civilly, but that he may be prosecuted criminally. He may be sent to the penitentiary for 5 years. Whenever a lynching occurs, however, whether or not the culprit is apprehended by the officer, as I understand the bill, the county is responsible. I again invite the Senator's attention to section 5.

Mr. TYDINGS. The Senator has answered my question. Now let me ask him another question.

In order to hold the officer liable, of course, it would be necessary to prove affirmatively that he was negligent in the discharge of his duties. Am I correct in that statement?

Mr. ELLENDER. Negligent, and a few other offenses.

Mr. TYDINGS. Let us take the broad interpretation.

Mr. OVERTON. Mr. President, will the Senator yield in that connection?

Mr. TYDINGS. Let me finish my question.

Mr. OVERTON. The Senator from Maryland has the wrong interpretation.

Mr. TYDINGS. The senior Senator from Louisiana says I have the wrong interpretation. Before he asks the junior Senator from Louisiana a question, let me say that the question I asked was bottomed upon the fact that Senators state to me that it is their interpretation of the bill that the county

would not be fined if the officer had done all he could, and the culprit was lynched before he fell into the hands of the law.

Mr. OVERTON. The question propounded by the Senator from Maryland to the junior Senator from Louisiana involves the proposition that under the provisions of the bill the Federal Government, or the claimant, would have to show that the officer failed to exercise due diligence. That is not correct. All that the claimant would have to show would be that there was a lynching, and the burden of proof would be upon the officer or upon the county or other State subdivision to show affirmatively that the officer did exercise due diligence.

Mr. TYDINGS. Mr. President, will the junior Senator from Louisiana yield further?

Mr. ELLENDER. I yield.

Mr. TYDINGS. In order to boil the matter down, the reason for my question to the Senator from Louisiana flowed from the fact that it has been represented to me that the bill in its application, if passed as written, might result in the sheriff having less of an inclination to apprehend and safeguard a culprit than under existing conditions. If that assumption be correct, I was asking myself the question whether or not lynching would be prevented to the same extent by the enactment of the pending measure, with that provision incorporated, or whether lynchings would be increased in number by the enactment of the measure; hence my question.

If the assumption that the county would not be fined if the sheriff had done all he could be sound, then the sheriff could put up a pretense of doing all he could, and conniving with the mob indirectly to lynch the man, because he would not want to be charged with bringing a \$10,000 fine on his county, on the one hand. On the other hand, if the assumption be sound, I was going to ask the Senator whether he thought the law might not be an inducement to sheriffs to run away, to put up a fake semblance of executing the law, knowing that the mob was going to demand the prisoner, so as to eliminate the payment of the \$10,000 fine by the county. That was the reason why I was asking the Senator the questions I have propounded. I would like to have his answer.

Mr. ELLENDER. Either way the matter were dealt with, I say that the law would not serve its purpose, that it will not prevent lynching. This measure is dubbed by its proponents as an antilynching bill but its title is as far as its meaning goes.

Mr. TYDINGS. From the Senator's knowledge of the South and the temper of the people in such situations as we have under consideration, does he believe the proposed statute would be an inducement to the sheriff to put up a semblance of discharging his duty, while at the same time he was conniving with the mob, in order to save the county the \$10,000 penalty?

Mr. ELLENDER. It would open the door wide open for the concoction of such chicanery as the Senator indicates.

Mr. TYDINGS. Then how is it that the penalty could apply if the mob took the culprit and lynched him before the sheriff got him in custody, or tried to get him in custody, to all intents and purposes? The Senator answered that the fine would apply whether the sheriff got the culprit or not, and if that be true, what I had supposed would not be the case.

Mr. ELLENDER. No; but under the first assumption, the sheriff would not arrest the prisoner if he thought he could get away with it and let the mob get him, because after he got him he would be amenable to the law, and something might happen, after the culprit is arrested, to make the sheriff come under the law, and render him liable to be sent to a berth in Atlanta or Leavenworth, or pay a fine not exceeding \$5,000.

Mr. TYDINGS. That is true, and I think the Senator has proven, to some degree, that perhaps in the execution of the law the sheriff might be less inclined to apprehend and safe-

guard a prisoner than without the law. That was one element of the question. The second part of the question is, would the county have to pay the \$10,000 anyway?

Mr. ELLENDER. It would, as I interpret the bill.

Mr. TYDINGS. That has not been the information I have received, and I am glad to have the Senator make that clear.

Mr. ELLENDER. I cannot interpret the bill in any other way. Section 5, as I read it, does not purport to contain the same language that applies to section 3, relating to the obligations imposed on the officers of the law and the diligence they must exercise in order to apprehend a culprit, and what they must do after the culprit is in their custody and what they must further do should he be taken from them.

Mr. TYDINGS. Whenever a lynching occurs in a county, whether the sheriff has done his full duty or whether he has not done his full duty, whether the prisoner has been apprehended or whether he has not been apprehended, if a lynching takes place, the fine applies nevertheless?

Mr. ELLENDER. That is my interpretation of the bill. The bill makes it so difficult for the county to escape liability that the county can do nothing but pay off.

Mr. TYDINGS. Let me say to the Senator that many Senators with whom I have spoken hold a different view from that of the Senator from Louisiana.

Mr. ELLENDER. My interpretation, of course, may be wrong, but I invite further discussion from those who entertain the opposite view.

Mr. TYDINGS. That is an important consideration, and I wish someone would prepare himself to answer the question with some degree of knowledge, because if the assumption, not of the Senator from Louisiana, but of other Senators, be correct, the bill might be construed to be an encouragement rather than a deterrent of lynching.

Mr. ELLENDER. I contend it is an encouragement. I have said that all along. From every standpoint from which one looks at it, not only do I oppose the bill because it is an encroachment on the South, on States' rights, but for the reasons the Senator mentioned.

Mr. TYDINGS. Mr. President, will the Senator yield further?

Mr. ELLENDER. I yield.

Mr. TYDINGS. I do not wish to get into a discussion with the Senator, but the trouble with the argument as to the encroachment on State rights is that Congress recently enacted a law in which it was provided that the Federal Government could go into any town in the South, including the parish to which the Senator just referred, and regulate labor troubles there; and I believe the Senator voted for that proposal.

Mr. ELLENDER. I did. I may further state that I would repeat my vote if the opportunity presented itself.

Mr. TYDINGS. If the Federal Government can go into any State of the South and deal with a plant which is engaged in the manufacture of a product, the subject of commerce only in that State, the Senator has not much ground for standing here and arguing for State rights, because certainly there is more reason to go in and protect the life of an individual in a State, with the constitutional guaranties written as they are, than to go into a State and regulate troubles between labor and capital, where the labor is engaged in the production of a commodity not sent into interstate commerce.

Mr. ELLENDER. I am somewhat familiar with the bill to which the Senator refers. The interstate commerce clause forms the basis for holding it constitutional. If the pending bill can be so amended as to give the Federal courts jurisdiction over the crime when its commission begins in one State and is completed in another, we might get somewhere, and I might not have any objection to that. In such cases the Federal Government would have an absolute right to step in.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. TYDINGS. But in the case of regulating a labor difficulty in the State of Louisiana the Senator drew no such fine distinction. He said that even though 99 percent of the manufacture of any plant went into intrastate rather than interstate commerce, the Federal Government had a right to go in. It seems to me that the proposition of State rights has been seriously weakened by certain recent approaches to that problem. In other words, it cannot be said that the doctrine of State rights applies when it suits and does not apply when it does not suit. If the principle of State rights is a valid one, if the Federal Government has nothing to do with the internal affairs of a State, then we ought to stick to that principle; we ought not to vote for it when we think it is going to be pleasant to a community, and vote against it when we think it is going to be unwelcome. The trouble is that the law to which the Senator alludes does permit the Federal Government to go into a State and regulate the purely State matter of wages, and hours, and what not.

Mr. ELLENDER. Because the manufacture of such goods affects interstate commerce.

Mr. TYDINGS. Here is the Constitution of the United States, the fourteenth amendment and other amendments, which provide that a man has the right to trial by jury, that a man has the right to equal treatment before the law, and many other rights are safeguarded; but I do not see any provision in the Constitution which gives the Federal Government the right to go in and deal with intrastate commerce.

Mr. ELLENDER. I believe the Senator is mistaken. The Supreme Court does not seem to take that view.

Mr. TYDINGS. The trouble is that the Senator supported a measure which permitted the Federal Government to go into a State and deal with interstate commerce.

Mr. ELLENDER. Yes; and I will support others along that line because the framers of our Constitution could not conceive of airplanes, could not conceive of the fine roads we have making the Senator's home town within 20 minutes of Washington, when in the old days it might have taken a week. Nobody suspected that the great State of North Carolina would have in its midst factories which would produce for the National Government three-hundred-and-some-odd millions of dollars in taxes, and the State of Mississippi only three million. No one conceived of such a thing. I say that because of those conditions I propose to vote for more bills along the line of that mentioned. By the way, there is on the Senate calendar now the so-called "educational" bill to provide better facilities for educating the youth of our Nation. We ask that the Congress help us, because we want to establish some kind of equalization fund to help the poorer States. We have established such a fund for Louisiana under our fearless leader, the late Senator Long, and today every child in Louisiana, whether he lives in a poor or rich community, can obtain the same educational advantages. We make the richer communities help the poor ones. Such a plan may encroach on State's rights, but I am for it. I believe I could justify my position.

Mr. TYDINGS. Mr. President, will the Senator yield again?

Mr. ELLENDER. I yield.

Mr. TYDINGS. I wish to read to the Senator what the Constitution provides. I read from the fourteenth amendment:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

Mr. ELLENDER. That is correct.

Mr. TYDINGS. It further provides:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The point is that in the case I mention the provision of the Constitution is not implied in its reference to people.

It is express, it is definite, it is concrete, it is clear. There can be no argument about it. But in the case the Senator sums up to support his argument, he relies on the interstate commerce clause of the Constitution.

Mr. ELLENDER. Which is found in another part of the Constitution.

Mr. TYDINGS. That is correct. If the Senator can stretch the interstate commerce phase of the National Constitution to take care of the internal conditions arising in the State of Louisiana, or in any other State, which are purely intrastate in character, how can he explain away the explicit and express and direct provisions of the Constitution? Unfortunately in supporting other measures the Senator has adopted a policy which tears down the doctrine of State rights, because he is for such action in the case to which he has referred, but while I appreciate the situation which exists in the South, how can the Senator stand on the doctrine of State rights as a defense of his present position when he has been in the forefront in destroying that doctrine on so many other occasions?

Mr. ELLENDER. I believe that if it can be shown that any goods are manufactured in a State and do not in any manner affect interstate commerce, they would not come within the purview of the law to which the Senator from Maryland refers. I believe those various points were discussed when the bill was under discussion and also when the farm bill was up for consideration during the special session held last month and the month before.

It is only when the manufactured goods come into competition in interstate commerce with other goods that the Federal Government would have jurisdiction.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. ELLENDER. I have not completed my statement.

Mr. TYDINGS. I must say that the trouble is that the Senator is talking about goods. I am talking about the relation of capital and labor. I am not talking about goods. I am talking about the men who work and labor completely in the State of Louisiana.

Mr. ELLENDER. I am speaking of goods which, after being manufactured, flow in interstate commerce. Goods, because our theory of reaching capital and labor is by controlling the flow of the product of both. Those who make them would not come within Federal jurisdiction unless they were engaged in the manufacture of goods which compete with other goods that are sent into the State and go into interstate channels. I think the Senator from Maryland knows that.

Mr. TYDINGS. I am not going to interrupt the Senator further, but I shall conclude with this observation. The trouble with legislation today is that the doctrine of States' rights is not dealt with as a consistent doctrine. It is only raised when it serves to promote the ends of a particular piece of legislation, and whenever the same doctrine interferes with some other aspect of government then, of course, it is abandoned. What I want to do is to follow men who believe in States' rights consistently, or who do not believe in them, and who do not vary their belief when it suits them politically, and then raise the question as a scarecrow when it suits them politically.

Mr. ELLENDER. Mr. President, there are quite a number of Senators in this body whom the Senator can follow, and who think as he does.

When I was interrupted by the Senator from Maryland—and I was glad to permit the interruption—I think I was discussing the proportion to the total of the Negro population at each census taken since 1790. The object of my discussion was to show that certainly where the percentage of the Negro population in a State is very small in comparison with the population of the Negroes in the Southern States, the people of that State should have small interest in the question, and I failed to see how it was possible for them to take this question seriously and to be in a position to pass upon it intelligently.

Mr. POPE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. POPE. Does the Senator have the percentage of colored population to white population in all States?

Mr. ELLENDER. I have. I expect to put those figures in the RECORD. I will say to the Senator from Idaho that I have those figures from the census figures available from 1790 up to and including 1930. The table gives the percentage in each State of the Negro population, from 1790 up to and including 1930. The figures are very interesting.

Mr. POPE. In what States is the colored population the smallest?

Mr. ELLENDER. I will read the percentages. The Negro population in Maine is one-tenth of 1 percent. In North Dakota it is one-tenth of 1 percent. In South Dakota it is one-tenth of 1 percent.

In New Hampshire it is two-tenths of 1 percent. In Massachusetts it is 1.2 percent. In Rhode Island it is 1.4 percent. In Connecticut it is 1.8 percent. I am reading, as I said, from the 1930 census.

In New York only 3.3 percent of its entire population is Negro. I expect to show in connection with other figures which I propose to submit just where that Negro population is centered in those various States.

Mr. POPE. Does the Senator have the figures with respect to Idaho?

Mr. ELLENDER. Yes. I will come to Idaho in a moment, unless the Senator wishes me to give the figures just now.

Mr. TYDINGS. Give the figures for Maryland.

Mr. ELLENDER. Yes; I will.

In New Jersey the percentage of Negro population to white population is 5.2 percent. In Pennsylvania it is 4.5 percent. In Ohio it is 4.7 percent. In Indiana it is 3.5 percent. In Illinois it is 4.3 percent. In Michigan it is 3.5 percent. In Wisconsin it is four-tenths of 1 percent. In Minnesota it is four-tenths of 1 percent. In Iowa it is seven-tenths of 1 percent. In Missouri it is 6.2 percent. I have just given the figure for North Dakota. In Nebraska it is 1 percent. In Kansas it is 3.5 percent. In Delaware it is 13.7 percent. In Maryland it is 16.9 percent.

Mr. TYDINGS. One-sixth of the population.

Mr. ELLENDER. Sixteen and nine-tenths percent. However, I consider Maryland extremely fortunate in comparison to other Southern States, particularly nearby Southern States, in that the colored folks in Maryland, evidently because they were so close to the North, moved into Washington and into close-by Northern States, so that the Negro population in Maryland has gradually decreased from 1790. I will give the Senator a few figures with respect to that matter.

Mr. TYDINGS. The Senator does not need to give me the figures, because I am already familiar with them. Let me say to the Senator that a few years ago we had several counties in Maryland which had more colored people in them than white people. There has been an exodus of Negroes to the large cities in the North.

However, I wish to return to the basic point of our controversy. I am not speaking in a contentious way. The Senator says he is perfectly willing to stretch the interstate clause of the Constitution in order to see that the people who work in factories get better hours of work and wages, and his motives and idealism in that respect are thoroughly laudable. I want to know now how he can on the one hand stretch the interstate commerce clause of the Constitution to apply to remote things, and not stretch the direct, express implications of the Constitution to apply to the loss of human life.

Mr. ELLENDER. I wish the Senator from Maryland, who might be able to convince me, would take the Constitution, take all the jurisprudence that may affect the pending bill and argue its constitutionality. I shall be glad to yield the floor to the Senator from Maryland for a while to permit him to discuss that proposition. That is the question the Senator asked me, and I am going to leave it to him. I

want him to discuss it, because I am unable to agree with him.

Mr. TYDINGS. I shall dispose of it very quickly. The Senator has pointed out that the Supreme Court, for the first time reversing itself, has held that the Congress has the power under the interstate commerce clause to go into a State and regulate conditions of labor between labor and capital. That is not set forth in the Constitution; that is only implied; and up to a recent date the Court took a contrary view.

I have just read to the Senator where the Constitution does provide in express language that a man shall have a right to a jury trial. I shall read it again so the Senator will get the exact words:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

It is the clear intent of the Federal Government to see that not only shall a man have a jury trial but he shall have all the protection with which the Federal Constitution can surround him. I am not criticizing the Senator's position, but I am trying to show that from where I stand it seems most inconsistent that the Senator should advocate a wage and hour bill to fix the wages in a State, or a labor law to fix the working conditions in a State, and that he sees no incursion into and violation of State rights in those two cases, but he sees a terrible breach of State rights if the Federal Government tries to give a man a fair and impartial trial in a court of law, even though the Constitution expressly provides he shall have it.

Mr. ELLENDER. I might be willing to compromise my differences with the able Senator from Maryland if some day next week, or in the near future, he will take the Constitution from which he has read, and the jurisprudence on the subject, and show me wherein this bill is constitutional. I think it useless to enter into an extended discussion of the articles or paragraphs of the Constitution to which the Senator has referred. Surely if my State should pass a law violative of any of such provisions the injured would have his recourse. We do have laws punishing those who lynch, those who murder, and does not that meet the requirements of the citizen? The pending bill seeks to supersede the State in the enforcement of its own laws as they affect its own citizens.

Mr. TYDINGS. If the Senator will yield for just one more moment, I will say that I think that the reading of one or two constitutional amendments might be very apropos right here. I read:

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated.

That is what the Constitution guarantees. What the Constitution guarantees is not implied in that respect. It is expressed, it is direct, it is mandatory that every person shall not be subject to unlawful seizure. In view of the fourth amendment we certainly have a thousand times more express authority to protect the lives of the humblest individual of this country than we have to go into a State and regulate its labor conditions, because the Senator can show me no place in the Constitution which provides expressly that Congress may invade the State and say how its citizens shall be educated, or how its labor and capital shall cooperate, and so on.

I should be more constrained to sit here and listen to the Senator, and to drink in the philosophy which he is expounding, if he himself had not taken the lead in tearing down the very thing that he now uses as a defense against this bill. The Senator cannot get away from that proposition.

Mr. ELLENDER. I do not know whether the Senator from Maryland was here and heard my argument yesterday

and earlier today, but I think the problem we are now discussing is more serious than the question of labor or any other proposition I can think of at this moment. I will even include the Constitution. I believe that many persons do not realize how far reaching such legislation as is now before us is, and what it will lead to. I am pleading for the preservation of our civilization, and I fear that what is proposed to be done now will eventually force upon us social legislation which, if permitted to be exercised, will bring decay to our civilization.

Mr. TYDINGS. That is a different thing.

Mr. ELLENDER. It is not a different thing. The Senator says he cannot absorb my philosophy and he cannot agree with what I have said about this bill. The only philosophy I have been preaching is the preservation of the white race. If we fail in this, not only will the whites suffer but the Negroes as well. I will attempt to demonstrate that the colored race is unable to govern, and that whenever and wherever it has been permitted to mix with the whites, decay set in and civilization was lost.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. TYDINGS. I do not take any issue with that position; I can understand the Senator's point of view perfectly and I can understand, whether I agree with him or not, the argument he is attempting to make in that respect; but the trouble is—

Mr. ELLENDER. The trouble with what?

Mr. TYDINGS. The trouble is the Senator's viewpoint.

Mr. ELLENDER. On this bill?

Mr. TYDINGS. Yes, on this bill; that on two occasions, as I have pointed out, he has already violated every philosophy which he now hopes to set up as a defense for his position. Therefore, many of us who might have gone along with him on the question of State rights, who believe that local self-government is one of the finest things that ever was created by man, who might have fought with him on that ground, are somewhat disillusioned that he can play for State rights or against it according as the circumstances fit his particular equation.

If the Senator will say as to men working in a power plant which is selling power entirely within the State of Louisiana, without an iota of it going out into any other State, that the Federal Government can go down there and regulate the differences between capital and labor in a purely intrastate transaction, which it does now, how can the Senator say that the Federal Government cannot go down to Louisiana and protect the lives of its citizens which its Constitution binds it to do?

Mr. ELLENDER. I am not going to further argue the point with the Senator from Maryland. However, I will make this observation that, as I understand his argument, in order to be consistent so far as the Constitution is concerned, he is going to have to vote against the pending bill.

Mr. TYDINGS. Will the Senator yield? I am going to leave the floor in a moment.

Mr. ELLENDER. Am I right or wrong about that? If the Senator wants to be consistent, in view of his vote against the labor bill, he will have to vote against the pending bill.

Mr. TYDINGS. The Senator has asked the direct question, and so I am going to ask him directly if in his own case he was consistent in the vote he cast on the labor bill will he not have to vote for the antilynching bill? How about that?

Mr. ELLENDER. That is where we disagree in the interpretation of the Constitution.

Mr. TYDINGS. The Senator is so inconsistent that his inconsistency makes him consistently inconsistent. [Laughter.]

Mr. ELLENDER. I feel I can take care of myself on that proposition. I can see a broad difference between the two propositions. I have been arguing this question from an entirely different basis, however. As I have stated on this floor oftentimes, I will do all in my power to preserve the supremacy of the white race. I am willing to go to the limit

in order to accomplish that end. I again say that the best friends the Negroes have on earth are the white people, for if the Negroes were left to themselves they would revert to the barbarism of Africa from which they originally came. Before I complete my argument I propose to demonstrate that proposition from actual historical facts.

I can quote from the works of historians—I do not have them handy today, but I can get them for the Record—who all agree with reference to the Negro race that the average Negro, whether in the South or in the North, is very precocious and rather smart and bright when he is young, but as he grows older he becomes more stupid as time goes on. I do not want that kind of people to rule this Nation and cause our civilization to deteriorate.

Mr. TYDINGS. Mr. President, will the Senator yield to me once more, and then I will certainly have to leave the floor.

The PRESIDING OFFICER. Does the Senator from Louisiana yield further to the Senator from Maryland?

Mr. ELLENDER. I yield.

Mr. TYDINGS. I wish to say, in conclusion, that I did not rise to take issue with what the Senator is saying as to how he thought this question might work out eventually. It is perfectly logical to say that without the passage of this bill lynching may pass into the discard. I am not arguing that. The point that fascinated me was that the Senator was saying that the passage of the measure would be an outrageous invasion of State rights. I can see how he could make that argument with great force and logic; but what I cannot see is how he could make it when it supports the things in which he believes at the present time, and disregard it altogether in connection with other questions that were even more remotely non-State rights than is the case at hand. Therefore, I ask only for enlightenment. I myself have voted for State rights, so far as I know, without any variation. Therefore, the Senator might think I am an ally in this case, but since he has helped to write laws on the statute books which the Supreme Court has now shown contravened the old viewpoint of what State rights are, and the Senator helped to bring about that evolution in our judicial interpretation, I do not see how he can ask me, when he created this situation against which he complains, to support him now in his State rights argument.

If the Senator had held out for State rights when those other matters were under consideration, I could have at least said he was consistent and logical and had a belief in the great principle of State rights, but when he has abandoned that doctrine, how can he at the eleventh hour, after the whole picture is changed, appeal to me, as one who has tried to maintain State rights, to support his views? I do not want a State-rights principle that is applied when it is beneficial and is disregarded when it is injurious. If it is right it is right all the way through, and if it is wrong it is wrong all the way through. I am at the crossroads because, through legislation, in connection with which the Senator from Louisiana took the lead, the Supreme Court has changed its view and said that we have now a new conception of State rights. If that new conception is the law of the land, who am I, a lone Senator, to say, against the opinion of the highest court, that the old views which we once believed were true and accurate and which expressed the philosophy of this Nation, are to be revitalized and reestablished, when the Senator has so lately helped to tear them down?

Mr. ELLENDER. The trouble with the Senator from Maryland may be that he is still living in the past, in "the old horse-and-buggy days" [laughter]; we are now living in a new environment, under extremely new conditions in comparison to those conditions that prevailed when our forefathers drafted our basic law. I consider the pending bill as purely local in nature.

Mr. TYDINGS. I thought I was a modern. The Senator is standing up talking about the old days of State rights and the old South, and here I am battling on the frontier of civilization.

Mr. ELLENDER. The Supreme Court will finally decide who is right and wrong as between the Senator and I on our votes on the labor bill; and I am willing to trust the Supreme Court.

Mr. President, I believe I had reached the State of Maryland in answer to the question by the Senator from Idaho [Mr. POPE]. The Senator from Idaho asked the percentage of the Negro population in his own State, and I thought I would keep on reading from the list and insert the figures in the RECORD. I had reached Maryland, and I proceeded to show that the State of Maryland had, according to the census of 1930, 16.9 percent of its entire population made up of Negroes. The highest percentage of Negro population in its entire history was in 1810, when it had within its borders 38.2 percent.

In Virginia, according to the census of 1930, the Negro population was 26.8 percent, and the highest percentage of Negro population in its history was 43.4.

The percentage of the Negro population in West Virginia in 1930 was 6.6, which is its highest.

The percentage of the Negro population in North Carolina in 1930 was 29, and the highest percentage in its history was in 1880, when it was 38.

The percentage of the Negro population in South Carolina in 1930 was 45.6, and the highest in its history was in 1880, when the Negro population aggregated 60.7 percent of the total population.

In Georgia the percentage of the Negro population was 36.8 in 1930, and the highest in its history was in 1880, when the percentage reached 47.

In Florida the percentage of the Negro population in 1930 was 29.4 and the highest percentage in its history was in the year 1870, when it reached 48.8.

In Kentucky, the home of the distinguished majority leader of this body, in 1930 the percentage of the Negro population was 8.6, and the highest in its history was in 1830, when it reached 24.7.

It is strange to note that a study of these figures shows that in all the border-line States—States near the North, near the Mason and Dixon's line—there has been a gradual decrease over the years of the Negro population, showing that from these border States there was a gradual migration of the Negro population to the North.

To Tennessee, which is another border State, the same statement applies. According to the census of 1930, the Negroes made up 18.3 percent of its population, which is the lowest percentage in its history except back in 1810, 1800, and 1790. The highest percentage was 26.1, in 1880.

The percentage of the Negro population in Alabama in 1930 was 25.7, and the highest percentage was 47.7, in 1870.

In 1930 Mississippi had a Negro population of 50.2 percent, and the highest percentage in the past was 58.5, in 1900. Since the year 1840 the percentage of Negroes in Mississippi has never been under 50.

I again ask, How can it be said that the people of Maine or the people of New Hampshire or any other Northern State, where the Negro population amounts to little or nothing, know anything about the problem of the Negro and the social aspects involved? I cannot understand how they are in a position to know much, if anything, about it; I cannot fathom it. I wish that some of those in the North who are so eager to regulate the affairs of the South would come down to the South, live in our midst for a while, and see conditions for themselves. I will venture to say that, if they should do so, in a short period of time they would become cognizant of the problem which confronts us, and instead of their proposing such legislation as is now before the Senate, we would probably get from them a greater degree of sympathy and constructive aid.

Senators, we know that we down South are dealing fairly with the colored race. It is very unfortunate that a few persons who might themselves be law violators have been lynched in the past; but, as I said yesterday, and as I

pointed out in the course of my remarks, the South is doing and in recent years has done all in its power to prevent lynchings, and I know that we shall succeed in our efforts.

Take the case of Arkansas. The Negro population of that State today is 25.8 percent of the total. The highest Negro population in the State was in 1910, when the proportion reached 28.1 percent.

In Louisiana, my native State, the Negro population today is 36.9 percent of the total. The highest percentage of Negroes in our State in any year of our existence was in 1830, when 58.5 percent of our entire population were Negroes. I again ask with respect to Louisiana, Are not we in Louisiana in a better position to judge of this problem and to work out the solution than are the States in which only one-tenth of 1 percent of the population is of the colored race, or two-tenths of 1 percent, and so on?

Take the case of the great State of Texas, from which hail my esteemed colleagues, Senators SHEPPARD and CONNALLY, and our illustrious President of the Senate, Mr. Garner. In 1930 the Negro population of Texas was 14.7 percent of the State's total. The highest proportion in the history of the State was in 1870 when it reached 31 percent.

In Oklahoma the Negro population in 1930 was 7.2 percent of the total population. The highest proportion in its history was in 1890, when it reached 8.4 percent.

Coming now to the Mountain States, listen to this: In Montana the proportion of the Negro race in 1930 was only two-tenths of 1 percent of the total population. The highest proportion in the history of the State was in 1890, when it was 1 percent.

In Idaho, the State from which was elected the Senator who asked me some questions a little while ago [Mr. POPE], the Negro population in 1930 was two-tenths of 1 percent of the total. That was the highest proportion in the history of the State, except in 1870, when it was four-tenths of 1 percent; and I notice on this chart that in 1930, 1920, 1910, 1900, 1890, and 1880 the percentage of Negro population remained the same.

In Wyoming, the Negro population at the time of the 1930 census was six-tenths of 1 percent of the total. The highest proportion in the history of the State was 2 percent, in 1870.

In Colorado, the figures show that in 1930 the Negro population was 1.1 percent of the total. The highest proportion in the history of the State was in 1900, when it reached 1.6 percent.

In New Mexico, at the time of the 1930 census, seven-tenths of 1 percent of the total population were Negroes. The highest proportion in the history of the State was in 1920, when it reached 1.6 percent.

In the case of Arizona, the State whence comes our present Presiding Officer [Mr. ASHURST], at the time of the 1930 census the proportion of Negroes was 2.5 percent of the total. That is the highest proportion in the history of the State. In the State of Arizona the Negro population seems to be on the increase.

In Utah the proportion of Negroes in 1930 was two-tenths of 1 percent of the total population. The highest proportion in the history of the State was four-tenths of 1 percent, in 1850.

In Nevada the percentage of Negroes was six-tenths of 1 percent in 1930. The highest proportion in its history was eight-tenths of 1 percent, in 1870 and 1880.

Coming to the Pacific States, in the State of Washington the Negro population in 1930 was four-tenths of 1 percent of the total population. The highest proportion in its history was in 1870, when it reached nine-tenths of 1 percent.

In the case of Oregon, the Negro population in 1930 was two-tenths of 1 percent of the total population. The highest proportion in its history was 1.6 percent, in 1850.

In California, in 1930, the Negro population was a little over 1 percent of the total population—1.4 percent. That was the highest proportion in its history.

Mr. President, I ask that this table be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana? There being none, it is so ordered.

(See exhibit B.)

Mr. ELLENDER. Mr. President, I also ask that another table, giving the exact figures of the respective populations of the colored and white races from 1850 to 1930 be inserted in the RECORD following the table I have just sent to the desk.

The PRESIDING OFFICER. Is there objection? There being no objection, it is so ordered.

(See exhibit C.)

Mr. ELLENDER. Mr. President, as I have stated on several occasions, there is no question, in my mind, that it is only the propaganda which is being spread throughout the country which is causing such organizations as the American Federation of Labor and many civic organizations to back this bill. Without speaking boastfully, if it were possible for me or anyone else who has an interest in this question, and who knows the true conditions, to appear before the American Federation of Labor or any other civic organization which is considering the question, I feel confident that we could convince them with facts that they are wrong in backing the bill which is now before the Congress, and such other bills on this subject as have been heretofore introduced in Congress and misrepresented.

The Senator from Texas [Mr. CONNALLY] stated yesterday there is pending today in the other House of Congress a bill seeking to authorize the Federal Government to take over from the States all marriage and divorce laws of the country. What is back of that bill? What is the reason for it? Mark what I say: If this antilynching bill goes through, and like bills, the next thing we shall find is that an effort to obtain social equality will be made by the same small group of Negro politicians in various parts of the country who are concentrated in the large cities of the North, and who deal with little so-called peanut politicians.

ELECTRIC-LIGHT AND POWER RATES IN PIERCE COUNTY, WASH.

Mr. BONE. Mr. President, will the Senator from Louisiana yield to me in order to permit me to have a short article printed in the RECORD?

Mr. ELLENDER. I yield to the Senator from Washington.

Mr. BONE. Mr. President, in the State of Washington, in my own county of Pierce, is a farmer-owned power company or power line known as the Lakeview Light & Water Co. I have before me a clipping from the Washington Grange News, which is the official organ of the Washington State Grange, which sets out a copy of a typical light bill from the Lakeview Light & Water Co., which ought to be tremendously interesting to all farmers. I desire to call the prayerful attention of all the farmers of the United States to this light bill and to the rates which the farmers out in my State enjoy by virtue of a cooperative organization which purchases its power from a publicly owned plant.

The first 20 kilowatt-hours are sold to the members at 4 cents per kilowatt-hour, and thereafter the farmer is required to pay only 1 cent a kilowatt-hour for all his current. This particular farmer consumed 647 kilowatt-hours of current in 1 month; and I may say to some of my southern brethren that that is about a year's consumption in the average home. The result of these low rates was that this man was required to pay only \$7.07 for 647 kilowatt-hours of electric energy. If that sort of a rate obtained all over the United States—and it ought to obtain—the saving to the home owners and the farmers of the country would represent such an astounding figure that it would make the claims of power companies concerning their tax contributions appear a rather flabby sort of argument.

I tender this clipping, Mr. President, for the purpose of having it inserted in the RECORD. I make these remarks in order that this matter may be brought to the attention of the farmers of the country who are paying the outrageous prices exacted by the private power companies for a very necessary social commodity.

The PRESIDENT pro tempore. Without objection, the article referred to by the Senator from Washington will be inserted in the RECORD.

The article is as follows:

[From the Washington Grange News of December 11, 1937]

HOW WOULD YOU LIKE TO BUY ELECTRICITY AT 1 CENT PER KW-H?
Lakeview Light & Water Co., R. 1, Box 50, South Tacoma
Office: Jones Service Station . . Telephone: Lakewood 3880-R-4
Pump 5930—No. 1092

Name: Paul Froman	Month of June 1937
Meter Readings	Divided and Charged as Follows
Present 7653 kw	20 kw Light @ 4c \$0.80
Previous 7006 kw	---kw Light @ 3c \$-----
Consumption 647 kw	627 kw Power @ 1c \$6.27
AMOUNTS DUE AND PAYABLE BEFORE 15TH OF NEXT MONTH	
Electric service for present month as shown above.....\$7.07	
Electric service due from previous months.....\$-----	
Installments on membership now due.....\$-----	
Due the company for materials, labor, etc., furnished.....\$-----	
Total now due the company.....\$-----	

The minimum meter charge is 50 cents monthly, regardless of consumption.

All accounts payable at the office, or to meter reader, before 15th of next month. Make all checks payable to Lakeview Light & Water Co.

Bring this statement with you when making payments. Please demand and retain receipt.

The Power Trust uses some awesome arguments against public ownership of light and power—such as "taxes" and "politics"—but their arguments fail to hold water as well as their stock does. Truth is bound to win.

The above illustration is a facsimile reproduction of an electric-light bill issued last summer to Paul Froman, overseer of James Sales Grange, Pierce County, for power used on his farm. The Lakeview Light & Water Co. is a cooperative organization, buying electricity at wholesale from the Tacoma municipal plant and distributing to its members at cost.

Notice that the rate for the first 20 kilowatt-hours is 4 cents, and for the balance, 1 cent per kilowatt-hour. Mr. Froman's total bill was \$7.07 for the month for a total of 647 kilowatt-hours, so he paid an average rate of 1.09 cents per kilowatt-hour on the whole bill.

Comparative figures, using the rates of the private power company operating in Pierce County, show that if Mr. Froman had bought the same amount of juice from the private company as he bought from the cooperative, his bill would have been nearly \$15—more than double what it actually was.

This shows what can be done by cooperative action, so next time Mr. Power Trust tries to scare you with that old bogeyman "taxes," just tell him you are no longer superstitious.—B.

Mr. BONE. Mr. President, with regard to this particular matter, I call attention to the fact that in my office I have dozens of documents put out by private power companies in this country claiming that with the new steam turbo-generating plants and the other new equipment which they have installed in recent years, they are able to produce electric energy much cheaper than it can be produced by the fine publicly owned hydro plants of the West. The claim is repeatedly asserted in these publications—and some day I am going to put these assertions into the RECORD in copious quantities—that current now can be produced for a coal consumption of three-fourths of a pound per kilowatt-hour. If this be true, or even remotely true, the price exacted from the farmers by private power companies is a sad reflection on the morals of modern business in this country.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. BONE. I am glad to yield.

Mr. VANDENBERG. What is the Senator's judgment as to whether power can now be produced by coal cheaper than by water power, not as a matter of argument, but as a matter of fact? I ask because it is a tremendously, fundamentally important fact.

Mr. BONE. That is quite true; and I understand why the Senator from Michigan asks the question, because the matter is going to be more and more important from now on.

Mr. President, the Senator from Michigan is not a member of the bar.

Mr. VANDENBERG. I thank the Senator for his compliment.

Mr. BONE. In a vague sort of way I am inclined to agree with the Senator. Lawyers do so many strange things that at times I am beginning to wonder if the law is quite so noble a profession as we sometimes assert. But were the Senator a member of the bar he would understand that one of the first things a cub lawyer learns in law school is that the best evidence on earth, the most weighty evidence on earth, is an admission against interest. We have asserted repeatedly, and it has been asserted all over the country, that a good hydro plant can turn out power cheaper than a steam plant, and so by way of rebuttal the power companies come forward and admit and assert that their modern steam plants, a number of which I have examined, can turn out electric energy much cheaper than these fine hydro plants, a great many of which are publicly owned; and, by the way, it is a publicly owned hydro plant which supplies this current to the farmers of the Lakeview system. I am not going beyond the repeated assertion of the power companies and their engineers—assuming that they are honorable men and would not assert a lie or anything they knew to be false—that they can do it.

I think it is true that they can produce current very cheaply. I say to the Senator also that when the question is asked, "How much does it cost to produce a kilowatt-hour of electric energy?" the question cannot be answered, because the plants vary in character. A hydroelectric plant in one case may be much more efficient than another; its load factor may be infinitely greater than that of the hydroelectric plant in another place. So it is impossible to say that it costs so much to produce a kilowatt-hour of electric energy.

The same may be true of a steam plant. Its distance from the source of supply, coal, the line charge for hauling the coal, the difference in machinery—all those factors enter into the calculations. I do not believe there is any answer to the problem. But I am taking by and large the repeated, cold-blooded assertions of private power companies that they can literally lick the city plants with their superior equipment. If that be true, I ask all the farmers in the country who read the CONGRESSIONAL RECORD why it is that they have to pay the outrageous rates which are exacted from farmers by private power companies. The worst of it is that they make the poor farmer buy the line which runs out to his farm, and pay an outrageous price for it, and then make him deed it to the company.

Mr. VANDENBERG. Mr. President, will the Senator yield further?

Mr. BONE. Certainly.

Mr. VANDENBERG. My question was prompted by the result of an inquiry I myself made at the time I was inquiring into the Passamaquoddy fiasco, when the Federal Power Commission itself reported that steam-generating equipment could have been set up for one-half of the expense of the "Quoddy" water development, and power produced substantially cheaper by the steam plant than by the water plant. Of course, in the case of "Quoddy" the tides were to be harnessed, and it was a rather novel sort of dubious experiment.

Mr. BONE. The Senator is correct. The Passamaquoddy lay-out was so far off the beaten path of usual experience in hydroelectric power development that it was what lawyers call *sui generis*, in a class by itself.

Hydroelectric plants are built in different ways. Some are stream-flow plants, which merely utilize the normal flow of the stream. Some provide for partial storage, a dam being built in which a few hours' supply can be stored, which runs off very rapidly. Others are built in connection with dams, which store vast quantities of water, hundreds of thousands of acre-feet of water, perhaps millions of acre-feet of water. So that it is not possible to pick up this problem of hydroelectric power production by the four corners and draw very accurate conclusions about it.

Mr. VANDENBERG. The Senator said something about the Passamaquoddy project being *sui generis*. Regardless of

whether that applies, we would all understand what the Senator meant if he likened it to the Wizard of Oz.

Mr. BONE. I am not sufficiently familiar with that lay-out to undertake to discuss it.

In conclusion I wish to say that I thought I was very cold and very purposeful in doing this work, because I had to meet the criticisms that were leveled at our activities in the West in developing public power systems. Many years ago the power companies of this country developed a very beautiful technique of rooking the farmers, and they did a thorough job. I have seen many queer operations in my time as a lawyer, but, Mr. President, I never saw as successful a "brace game" as was worked on the farmers of this country by the Power Trust of America. This is the way they did it, and are still doing it, where they can get away with it.

If a farmer wanted an extension to his farm, the power company would say, "Yes, we will build it, and it will cost you so much per mile," which was in general anywhere from three to five times what it cost the power company to put it in. I am asserting that because I had many clients in the West who erected lines parallel with those of the power companies, and I know exactly what it cost, because I was counsel for the organizations doing it. Certainly a power company would not admit that a group of farmers such as those to whom I have referred can do work cheaper than can a power company maintaining a magnificent organization.

After the line was built at from three to five times what it cost, the farmer was required to pay for it, when it should have been his, but, on top of that, he was required to deed it to the company, which in turn wrote it into the rate base at the outrageous and inflated value. Thereafter the farmer had to pay interest and dividends on that gift forever, plus a profit on the current that went into the line. That has been done all over the United States, and rural electrification in the United States, concerning which these private power companies are so proud, is plastered all over with that sort of a badge. There is not a lawyer who knows anything about the matter who does not know that what I am saying is true. I have hundreds of cases in my file in which the power companies admit this, and if any one of their engineers were interrogated he would say it was a good game.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

Mr. ELLENDER. Mr. President, I have discussed the type of propaganda generally used by various Negro organizations in the States, and shown how they were able to make trades in order to have passed in the legislatures of their respective States certain measures which gave them social rights on an equal basis with the white people; in other words, placing the Negroes on the same social plane as the whites. It is my contention that it is this same group of Negroes who are able today apparently to influence the proponents of the pending bill in seeking to have it enacted into law. I can reach no other conclusion. I may be wrong about it, but that is my honest opinion, and I am giving it to the Senate for serious consideration.

Many of the good church people of this Nation—many church organizations, I understand—have sent resolutions to the Senate endorsing the pending bill. I feel confident that if they knew the purpose of it, as I have just endeavored to place it before the Senate, and if they realized what it would ultimately mean, and further, if they were shown the proof of the good work that has been done in the South in eliminating the heinous crime of lynching, we would probably be receiving different resolutions from the same organizations.

Mr. POPE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. POPE. Has the Senator shown what States do and what States do not have laws prohibiting intermarriage between whites and blacks?

Mr. ELLENDER. I am coming to that. I hardly think I can reach it this afternoon, but now that the Senator asks the question, in order to have it answered at this time, and although I shall discuss it later—

Mr. BONE. Mr. President, does the Senator intend to consume the rest of the afternoon with his speech?

Mr. ELLENDER. Yes; all the rest of the afternoon, and probably all of Monday.

In answer to the question of the Senator from Idaho, there are 18 States in the United States which today do not prohibit the marriage of whites and Negroes. They are: Connecticut, Illinois, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New Mexico, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Washington, and Wisconsin; and the District of Columbia.

As I said yesterday, in the event the bill may be enacted—and so far as I can prevent, it will not be enacted this year or any other—I propose to offer three amendments to the bill. I do not know whether the first amendment will be constitutional or not, but I venture to say that it will be as constitutional as the bill in its present form is. I am going to offer an amendment to the bill, and I shall ask for a record vote on it, prohibiting the intermarriage of whites and Negroes in every State in the Union. It may not be constitutional, but I repeat, it no doubt will be just as constitutional as is the bill in the form in which it is now pending. So, if the bill shall be passed, both it and the amendment will be in the same boat.

Let us say that the Senate will not agree to the amendment—may think it is too drastic, or that it is unconstitutional. Then I propose to offer a second amendment prohibiting persons of the Negro race who are married to persons of the white race from going into States where such intermarriages are prohibited. So far as I am concerned, I do not want a Negro man who is married to a white woman, or a white man who is married to a Negro woman, to live in Louisiana. If other States want such people, that is their business, but I do not want them in Louisiana, because, as I have said to the Senate before—and I repeat again—political equality leads to social equality, and social equality will eventually spell the decay and downfall of our American civilization.

If the second amendment should fail, I shall offer a third. As Senators may have noticed a while ago, I mentioned the District of Columbia. Of course, the District of Columbia is wholly under Federal jurisdiction, and intermarriage of Negroes and whites is permitted. I propose to offer an amendment to the bill, and will ask a record vote on it, prohibiting the intermarriage of whites and Negroes in the District of Columbia.

I may say that during the course of the debate I expect to further elaborate on these amendments I propose to offer. I merely mention them at this time so as to give to the Senator from Idaho [Mr. POPE] the information he asked for.

I revert to the matter of propaganda. I am confident that the resolutions from the various church organizations were adopted in the same manner as was the resolution adopted by the American Federation of Labor, which I read here yesterday. The same sort of information and misrepresentation which was furnished to the American Federation of Labor was no doubt furnished to these good, well-meaning church people, who do not understand the questions involved or the sinister significance behind it. Who furnished that information to the American Federation of Labor? I stated yesterday that it was given to the American Federation of Labor by a Negro porter who happened to belong to the union. Of course, he was not biased or prejudiced! However, he informed the American Federation of Labor that for the past 50 years there have been over 5,000 lynchings in the South, whereas the

authentic record shows that for a period of over 55 years there have been in the entire country only 4,600 lynchings. This Negro porter attributes the entire number of lynchings to the South, when as a matter of fact the records show that since 1882 there have been in the South a little over 3,100 lynchings, many of which were of white persons; not that we are proud of the record, but we at least want the record put straight. I am not saying this boastfully. I am not proud of it, but I make the statement to shame this Negro's bid for sympathy on false facts.

I repeat, the attitude of the American Federation of Labor and of other organizations which are backing the bill would be different if they were made familiar with the efforts of the South to prevent lynchings; were shown that whereas the number of lynchings in some years gone by aggregated as many as 231, last year the total was reduced to 8. All of this has been shown by a number of Senators on the floor of the Senate, and the figures remain unchallenged.

There is not one crime in the annals of our history that has shown such a decline as lynching. Yet the great Federal Government, the authorities who cannot handle the crime situation in the city of Washington, want to go down into the South and show us how to handle the Negro problem. They cannot do it. If they try to do it, it will lead to just such a condition as is pictured in the statement from which I read a moment ago. It will mean that sooner or later, if you keep on giving to the colored race an inch, they will take a foot; if you give them a foot, they will take a yard, and so on, and you will not be able to satisfy them until they are able to rub elbows with all the whites throughout the country. And then what is going to happen?

Mr. President, the various sections of the bill have been discussed by Members of the Senate, and it is not my purpose to go much into detail at this time, except to bring certain facts to the attention of the Senate. As I pointed out a few days ago, the bill attempts in section 2 to deal with lynchings in the South. I can get no other interpretation from it, in view of the proviso which appears in the bill.

Under section 3 of the bill, as was pointed out by the Senator from Maryland [Mr. TYNINGS] a while ago, any officers of the law are made amenable to punishment by confinement in the penitentiary or the imposition of a heavy fine who, after having arrested a culprit, do not use every means at their command to save him from a mob. They are amenable to a fine of \$5,000 or confinement for 5 years in the penitentiary.

The bill provides in section 3:

SEC. 3. Whenever a lynching of any person or persons shall occur, any officer or employee of a State or any governmental subdivision thereof who shall have been charged with the duty or shall have possessed the authority as such officer or employee to protect such person or persons from lynching and shall have willfully neglected, refused, or failed to make all diligent efforts to protect such person or persons from lynching, and any officer or employee of a State or governmental subdivision thereof who shall have had custody of the person or persons lynched and shall have willfully neglected, refused, or failed to make all diligent efforts to protect such person or persons from lynching, and any officer or employee of a State or governmental subdivision thereof who, having the duty as such officer or employee, shall willfully neglect, refuse, or fail to make all diligent efforts to apprehend, keep in custody, or prosecute the members or any member of the lynching mob, shall be guilty of a felony and upon conviction thereof shall be punished by a fine not exceeding \$5,000 or by imprisonment not exceeding 5 years, or by both such fine and imprisonment.

That is the language used, insofar as the criminal aspect of the bill affects all of the officers who are charged with administering criminal laws in the State.

Let us now see how the law is to apply when it comes to the payment of the fine imposed on the State of North Carolina or on any other State. Does the bill provide that the governmental subdivision must have the culprit in its possession before the penalties can be imposed? Does it provide that unless the officers neglect, refuse, or fail to make all diligent efforts, and so forth, the State or political subdivision is to be excused? No; it does not.

I will show the Senator from North Carolina [Mr. REYNOLDS] how the proposed law would work. I believe the Senator lives in the city of Asheville. He has so indicated two or three times on the floor of the Senate. [Laughter.] I do not know exactly in what county the Senator lives, but let us say that he lives in the county in which Asheville is located. The Senator is in Washington attending to his duties and a lynching takes place in his county at such a time. If the sheriff of that county happens to call on a citizen of Asheville who does not like pistol shots, say, one who is a coward, and that citizen refuses to help the sheriff or help the officer who has charge of the culprit to save his prisoner from a mob, the Senator from North Carolina, who is here in Washington attending to his duties, can be held responsible, if he holds property in the county wherein he lives, as I know he does.

Talk about due process of law. Listen to the reading of section 5:

SEC. 5. (1) Every governmental subdivision of a State to which the State shall have delegated functions of police shall be responsible for any lynching occurring within its territorial jurisdiction.

Does the bill make an exception? Does it say that unless the officer fails to do his duty, or unless he has the prisoner in his possession, the county will not be responsible? It does not. It does not impose any limitations such as are imposed upon the officer under the provisions I just read from section 3 of the bill.

Every such governmental subdivision shall also be responsible for any lynching occurring outside of its territorial jurisdiction, whether within or without the same State—

Is that due process?

which follows upon the seizure and abduction of the victim or victims within its territorial jurisdiction. Any such governmental subdivision which shall fail to prevent any such lynching or any such seizure and abduction followed by lynching shall be liable to each person injured, or to his or her next of kin if such injury results in death, for a sum not less than \$2,000 and not more than \$10,000 as monetary compensation for such injury or death: *Provided, however—*

Putting the burden of proof upon the political subdivision, as my colleague the senior Senator from Louisiana [Mr. OVERTON], stated a while ago.

That the governmental subdivision may prove by a preponderance of evidence as an affirmative defense that the officers thereof charged with the duty of preserving the peace, and citizens thereof when called upon by any such officer, used all diligence and all powers vested in them for the protection of the person lynched.

The provision is so drastic that if a person were lynched I do not know how it would be possible for the State or the county affected to make a defense and escape liability. It would simply have to say to the judge, "All right; write up a judgment." It could not make a defense sufficiently strong to avoid a judgment.

And provided further, That the satisfaction of judgment against one governmental subdivision responsible for a lynching shall bar further proceedings against any other governmental subdivision which may also be responsible for that lynching.

Provision is then made that taxes may be imposed for the purpose of collecting the penalty, and any property that a municipal government or a county government owns may be seized for the purpose of satisfying the penalty. The jail in the county, or the courthouse, might be seized in order to get the money with which to pay any judgment that might be imposed under this bill. All of that could be done, and the Senator would be assessed a portion of the damages although he is entirely innocent, and if he had been present he undoubtedly would have helped protect the culprit.

Mr. REYNOLDS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. REYNOLDS. It is appalling to my mind that this body of 96 men should consume, as we have done, weeks upon weeks in the discussion of this bill which would not abolish lynchings. It is appalling, as I say, when we take

into consideration the fact that last year there were, as I remember, only nine lynchings within the confines of the United States.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. OVERTON. The Senator from North Carolina is in error. Inadvertently he stated that there were only nine lynchings in the United States last year. There were only eight.

Mr. REYNOLDS. I thank the Senator from Louisiana for the correction.

Mr. President, as a matter of fact, the crime of lynching is the only crime within the category of all crimes that has been reduced in the United States within the past quarter of a century. Whereas the crime of lynching has been materially reduced, and, as the able senior Senator from Louisiana pointed out a moment ago, last year there were only eight lynchings in the United States, the crimes of murder, rape, larceny, housebreaking, burglary, and crimes of every other classification in this country have increased.

Here is the Senate spending day after day, running into week upon week, considering a bill which last year would have affected only eight persons in the entire United States, and the probabilities are that the eight affected, if they had been accorded due process of law, would have been executed in any event. Yet we pay no attention whatever to the fact that during the year just passed, 1937, approximately 40,000 people were killed upon the highways of the United States of America.

In 1936, Mr. President, the American Automobile Association made a tabulation of the number of people killed outright upon the highways of this country as a result of the operation of motor vehicles. The tabulation showed that 36,000 people were killed and more than 70,000 injured. If my memory is correct, in 1937 between thirty-eight and forty thousand people were killed upon the highways of America by motor vehicles, and more than a million were injured. Yet we pay no attention whatsoever to that situation. This great body of lawmakers, representing the people of America, are wholly neglecting measures to provide safety to life and limb for the American people. We interest ourselves only in a so-called antilynching law, which, if it had been enacted and in force last year, would have affected only about 8 of the 3,200 counties in the United States. We should make utilization of our time in the discussion of matters of immediate moment and of great importance to the people of the country.

I wish to make myself clearly understood by saying that I do not believe in lynching; none of us believes in lynching; but, at the same time, we know that the bill which is proposed here covers a matter which, in all conscience, should be left to the officers of the townships, the cities, and the counties, and the various other political subdivisions of the respective States of the Union.

I thank the junior Senator from Louisiana for permitting me the opportunity to make mention of these few matters.

Mr. ELLENDER. Mr. President, I now want to discuss, in a more detailed way, the social aspects of this problem. During the course of my remarks today and yesterday I have attempted to deal with the problem generally. Now I wish to be specific, and I desire to bring the matter home to Senators from the various States. I wish to show that, in my humble opinion—I may be wrong but I will venture to say that I am right, and I will challenge any Senator on the floor to show to the contrary—that in the various States where the legislatures have enacted laws giving to the colored race equal social rights with the white race in their respective jurisdictions, such laws were initiated and pressed to enactment by small groups of colored people who live in the cities and who control, possibly, sufficient votes in their particular localities so as to hold the balance of power. They, therefore, have become all-powerful by virtue of being able to maintain such control as between the two dominant

parties and they side with the one that makes the most promises to help such little coteries or groups of colored folk. I cannot conceive that such laws happened to be enacted in any other way. I am going to read and put into the Record various statutes enacted by the States of California, Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Wisconsin. Eighteen States have had special acts passed by their respective legislatures giving to the colored race the same social equalities with respect to restaurants, hotels, public conveyances, and this and that, as are enjoyed by the white people. I intend to show, by actual figures, the small number of colored people in those various States, to prove that they are concentrated in the large cities, and that by virtue of the fact of being able, as is sometimes said in politics, "to deliver the votes," they have succeeded in having such laws enacted. I will venture to say that the good white people of those various States did not know what was being done.

Mr. REYNOLDS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. REYNOLDS. In speaking of the privileges accorded the members of the colored race, I will ask the Senator if in the State of Louisiana the members of the colored race are not accorded and guaranteed the same educational advantages that are provided for the white people in his State?

Mr. ELLENDER. In Louisiana we have colleges, high schools, elementary schools, and hospitals for the colored race, but not under the same roof as those for the white people.

Mr. REYNOLDS. But the same excellent educational facilities are provided?

Mr. ELLENDER. Absolutely.

Mr. REYNOLDS. And the same splendid hospitalization as is provided for those of the white race?

Mr. ELLENDER. Yes. I propose to show to the Senate, before I take my seat, that last year, 1937, the State of Louisiana spent almost as much money for Negro education as it did for education for both whites and Negroes back in 1908. That is what the South, as a whole, is doing in order to help the colored race.

Mr. REYNOLDS. Mr. President, will the Senator yield further?

Mr. ELLENDER. I yield.

Mr. REYNOLDS. In conjunction with the Senator's statement, I desire to suggest that I assume that in his State the Negroes also have higher educational institutions which provide various and sundry degrees, such as we have in North Carolina?

Mr. ELLENDER. We have. There are, I think, six Negro colleges in my State which award the degrees of A. B., B. S., M. A., and, I think, Ph. D., although I am not sure about the latter.

Mr. REYNOLDS. The colored people of the South are provided the same educational opportunities as are the whites. We have made provision for the higher education of those of the colored race, Mr. President, by way of sundry splendid educational institutions, providing them with opportunities to become lawyers, doctors, dentists, teachers, and educators. Only yesterday my colleague the senior Senator from North Carolina [Mr. BAILEY], in addressing this body, mentioned that the day before I had brought to the attention of the Members of the Senate the fact that my great Commonwealth of North Carolina, being appreciative of the fine work done by eminent colored educators, had named some of its highways after the leading colored educators of the State. We have in North Carolina there some very remarkable Negro institutions, and we have at the head of those institutions men who, from every standpoint of preparation, could be well compared with that great and eminent colored leader of Alabama, Booker T. Washington. I have particularly in mind Dr. James E. Shepherd, head of the North Carolina College for Negroes.

As I have said, Mr. President, in North Carolina we do not have any lynchings. The senior Senator from Louisiana mentioned a moment ago that in the whole United States last year, 1937, there were only eight lynchings throughout the length and breadth of the Nation. I would at this time remind my distinguished colleague from Louisiana of the fact that none of those lynchings took place within the confines of North Carolina.

I thank the junior Senator from Louisiana.

Mr. ELLENDER. I venture to say that if the colored people of this Nation who are interested in this bill were to spend as much time, effort, and money as they are spending in trying to have this bill passed in helping the South through education to prevent lynching, in helping other States aid their people, I know that their work would be much more effective.

Mr. CONNALLY. Mr. President, will the Senator from Louisiana yield in order that I may ask the Senator from North Carolina a question?

Mr. ELLENDER. I yield.

Mr. CONNALLY. The Senator from North Carolina has just cited the splendid and commendable record of North Carolina in not having any lynchings. Let me ask the Senator if it is his view that that is true because of the desire of the people of North Carolina, the sentiment of the people of North Carolina, and the consciousness of a high duty and responsibility on the part of the public officials of North Carolina?

Mr. REYNOLDS. It is exclusively attributable to that.

Mr. CONNALLY. The Senator does not mean to suggest that there have been in that State no heinous and terrible crimes which ordinarily would inflame the people to violent action?

Mr. REYNOLDS. Certainly not.

Mr. CONNALLY. The Senator means that because of the love of law and order by the people of his State, and their desire to carry out the law and to uphold peace and orderly processes, they are able to suppress what would otherwise be a violent and highly inflammatory situation. Is that correct?

Mr. REYNOLDS. Quite so.

Mr. CONNALLY. Does the Senator think a condition like that would be improved or hindered by the Federal authorities saying to the people of North Carolina, "Notwithstanding your fine record, notwithstanding you have had no lynchings at all, we know how to deal with this matter better than you do, and we will come down and impose this Federal statute on you, and take over," as it were, "a matter on which you have made a 100 percent record?" Would not that lessen the responsibility of the State officers instead of enhancing it; and would it not beget a feeling of this kind: "Well, if the Federal Government wants to do it, let them do it. I will not take the chance of going to the penitentiary?" A sheriff or other officer would say, "I will not incur the hazard of going to the penitentiary by arresting this fellow, this beast who has committed some horrible crime. Let the marshal or the Federal Government look after him;" and in the meantime, before the marshal could ever find out about the crime, the man who committed it probably would be lynched at the first tree an irate mob could find.

Mr. REYNOLDS. As a matter of fact, in answering the Senator from Texas I give it as my opinion that the passage of this bill unquestionably would be a hindrance to the enforcement of law and order, for the reason suggested by the Senator from the State of Texas, to the effect that were all the power in this matter placed, as the proponents of the bill would have it, in the hands of the Federal officers, those representing the State of North Carolina naturally would feel that it was up to the Federal officers to apprehend and to prosecute the violators of the law.

For instance, I believe it may be truly said, without exaggeration and without endeavoring to provide a parallel which would not be in perfect keeping with the thought, that since the Dyer Act was passed, making it an offense against the

Federal Government to steal an automobile in one State and convey it to another—a bill for which I presume the Senator from Texas voted—when an automobile was stolen in one State and conveyed to another State, which brought the matter within the Federal jurisdiction, the local officers have not felt as much interest in the matter as they felt theretofore when it was exclusively within their hands.

Mr. ELLENDER. Mr. President, as I stated a few minutes ago, if the various colored societies and various other organizations which are interested in preventing lynching would simply get together and try to educate the colored people, not only in the South but in the North, about these questions, it would do more good toward preventing lynching than to try to pass such bills as the one now pending.

Mr. CONNALLY. Mr. President, will the Senator yield for a question at that point in his remarks?

Mr. ELLENDER. I yield.

Mr. CONNALLY. Let me ask the Senator from Louisiana if among these so-called uplift societies he knows of any organization of men or women entitled "The Association for the Suppression of Rape", or murder, or anything of that kind? As I understand, it is the suggestion of the Senator from North Carolina that if some of these so-called high-brow societies would devote themselves to a campaign to suppress the very kind of crimes which are necessarily incidental to this bill, they probably would have greater success than in their efforts to enforce upon the South an alien law.

Mr. ELLENDER. There is no doubt about that, Mr. President. As I stated yesterday, in almost every case where an attempt was made to save a man from being lynched, and where it was successful, some of the colored folks were trying to help the culprit rather than trying to help the officer see that the law was enforced. I say it is incumbent upon the colored people as much as upon the white people of the South and of the North to stamp out the heinous crime which is the chief cause of lynchings; but they do not do it.

Going back to the laws passed in the various States, I again charge that these laws were passed at the behest and at the instigation of certain cliques of colored voters located in various cities in the States of the Union and they no doubt traded their votes, delivered their votes, in order to have certain measures passed in the various legislatures. The same clique, although in a larger way, through various States are agitating this question and demanding of Congress the passage of this bill, although, as has been shown, we in the South are stamping out the crime of lynching. We are bringing about such a condition that lynching today is almost a thing of the past, in comparison to its prevalence 30 or 40 years ago.

Let us see what the various States have done, and let us see what is the percentage of Negro population in the various States; and, further, let us see how much of that Negro population is located in large centers. Then, I ask, if the larger percentage of these colored people are located in the large centers, is it possible that the white people in other parts of these States are cognizant of, or are back of, or were consulted about, or were told that these laws would be imposed on them by these small minorities? I venture to say that they were not, and that if they had been they would have risen to the occasion and prevented it.

Now, let me go to California and read the statutes.

Mr. REYNOLDS. Mr. President, will the Senator yield before he goes out to California?

Mr. ELLENDER. Gladly.

Mr. REYNOLDS. I desire to ask the Senator a question. It is true, is it not, that one does not have to be hanged by the neck to experience being lynched?

Mr. ELLENDER. Yes.

Mr. REYNOLDS. If an individual is shot by one person in a crowd of three or more persons, under the terms of this bill he has been lynched, has he not?

Mr. ELLENDER. That is correct, as I understand the bill.

Mr. REYNOLDS. In other words, a man does not have to be hanged by the neck to be lynched, but he may be shot

to death, and that constitutes a lynching. That is correct, is it not?

Mr. ELLENDER. That is correct. The definition of the bill has been broadened to include such occurrences.

Mr. REYNOLDS. I am perfectly willing to accept my colleague's interpretation of the bill. That being true, as a matter of fact the lynchings that occur do not take place in North Carolina, or Virginia, or South Carolina, or Georgia, or Florida, or Alabama, or Mississippi, or Arkansas, or Louisiana, or Texas; but the lynchings take place in other portions of the country as a whole. That is true, is it not?

Mr. ELLENDER. It is.

Mr. REYNOLDS. Last year hundreds upon hundreds of lynchings in the broadest sense of the term took place all over the country, the majority of them occurring in the great North, the Northwest, and the extreme West. Is not that true?

Mr. ELLENDER. Yes; and I may say to the Senator from North Carolina that the Senate Committee on the Judiciary brought in this bill in a form which exempted those lynchings from the provisions of the bill. In other words, they said, "Mr. Gangster in Chicago, or Mr. Gangster in New York, or anywhere else, you may do all the shooting and killing you wish to do, and you are exempt from the provisions of this bill." That is what they did.

Mr. REYNOLDS. Therefore if in the city of New York—to employ the parlance of the modern twentieth-century gangster—a man is "taken for a ride" in an automobile by three or more men, and is filled full of lead, in all truthfulness and in all reality, and according to the proper interpretation, that is a lynching; but there is an exemption of it under this bill.

Mr. ELLENDER. That is true. That demonstrates to me that the bill is sectional. It is a direct slap at the South.

Mr. REYNOLDS. Absolutely. That is the very point I wanted to bring out.

I cannot understand why the gangsters who today are carrying on, we will say for illustration, in the city of Chicago under the direction of Al Capone's outfit, should be exempted from the provisions of this bill. Although Al Capone is incarcerated in the prison on an island in San Francisco Bay, we all know that Capone's gangsters are really carrying on today in the city of Chicago as they did during the time Capone was there. A couple of years ago we read of the St. Valentine's Day massacre in the city of Chicago. On that occasion several of the henchmen of Al Capone, at the instance and under the direction of their chieftain, Al Capone, disguised themselves in the apparel of policemen, in the uniform of Chicago patrolmen, and on the particular day in question, at a set hour, they put in their appearance at a garage which was owned and was being conducted by a rival gang. Capone's gangsters, so it is said, in the uniform of Chicago patrolmen, walked boldly into that garage and shot down in cold blood six or seven or perhaps more rival gangsters when their backs were turned to Capone's henchmen. They were shot down in cold blood when they were facing the wall.

In the Senator's opinion, that was a wholesale lynching; but as this bill has been explained to me, and as we know it is, wholesale lynchings are exempted from the provisions of the bill.

Mr. ELLENDER. That is my understanding of the bill.

Mr. President, just before being interrogated by the Senator from North Carolina I was about to read from the Civil Code of California for the year 1931.

As I said a few moments ago, there is no doubt in my mind that the various acts which I shall read into the RECORD were advocated and were passed at the behest and instance of little colored voting groups, concentrated, as it were, in large cities of the various States. Listen to the California statute:

Rights of citizens in places of public accommodation or amusement. All citizens within the jurisdiction of this State are entitled to the full and equal accommodations, advantages, facilities, and privileges of inns, restaurants, hotels, eating houses, places where

ice cream or soft drinks of any kind are sold for consumption on the premises, barber shops, bathhouses, theaters, skating rinks, public conveyances, and all other places of public accommodation or amusement, subject only to the conditions and limitations established by law, and applicable alike to all citizens.

In Louisiana, in the case of damage suits, it is usually necessary to prove damages. Suit is filed for a certain amount, and sometimes we call on the jury to hear the evidence and, after they hear the evidence, to fix the damages. But in California the statute seeks to state how much damages shall be paid to the colored folk who are denied admission to the same bathhouse, or who are kept out of the same barber shop the white folk frequent, or from the same theaters, or from the same restaurants, or from the same hotels. If they are offended, or if they are excluded, the great State of California makes this provision for them:

Damages recoverable for violation of personal rights. Whoever denies to any citizen, except for reasons applicable alike to every race or color, the full accommodations, advantages, facilities, and privileges enumerated in section 51 of this code, or who aids, or incites, such denial, or whoever makes any discrimination, distinction, or restriction on account of color or race, or except for good cause, applicable alike to citizens of every color or race whatsoever, in respect to the admission of any citizen to, or his treatment in, any inn, hotel, restaurant, eating house, place where ice cream or soft drinks of any kind are sold for consumption on the premises, barber shop, bath house, theater, skating rink, public conveyance, or other public place of amusement or accommodation, whether such place is licensed or not, or whoever aids or incites such discrimination, distinction, or restriction, for each and every such offense is liable in damages in an amount not less than \$100, which may be recovered in an action at law brought for that purpose.

Mr. CONNALLY. Mr. President, is that the California statute?

Mr. ELLENDER. It is.

Mr. CONNALLY. Does the Senator know whether or not that statute was, like the pending bill, a mere political fraud and fake on the colored race, passed to get their votes, and then ignored, and no attention paid to its enforcement?

Mr. ELLENDER. I have attempted to emphasize that on two or three occasions. It is my honest and sincere belief that the same little cliques of Negro voters centered in various cities of this Nation and in various States that are behind the antilynching bill were back of these statutes in the respective States which enacted them. I shall come to that later. I wish to show that all of these statutes are brought about in the various States of the Union—I will not say in all cases, but in most cases—by little cliques of colored voters located in various cities in the States who call on the legislators to deliver in order to get the colored vote.

Mr. CONNALLY. Mr. President, will the Senator yield further?

Mr. ELLENDER. I yield.

Mr. CONNALLY. Has it not been the Senator's observation that the kind of legislation to which he has just referred, the California statute, is not demanded by the great mass of the colored people, who are content to go along and to seek their own society, but is urged by a few little, grafting, so-called leaders who subsist off the dues and assessments they place on the uninformed and the ignorant of their race, and that they are not really concerned in the enforcement of the laws, but simply wish to get a law passed so they may go back and say to the association which is supporting them, "I got your law passed, it is the law," and then the officers in the State, in California, for instance, ignore the law? I have been in California many times, and I do not recall ever seeing in the hotels or in the restaurants colored people associating with white people, as they have a right to do under the law to which the Senator has referred.

Mr. ELLENDER. That is correct.

Mr. CONNALLY. These little grafters and political manipulators of the colored race live off their unsuspecting and credulous fellows, and all they want is to be able to go back to the associations supporting them and say, "We made them pass the law. We put the screws on them," and then the law is ignored. Is not the same sort of a purpose animating the little politicians who are advocating the pending bill, and who are unconcerned as to whether 100 colored persons are

lynched next year, or 8, provided they have the law passed, so that they may go back and tell what they have accomplished? They say, "We put the screws to the Senators. There are some elections coming up in the States in 1938, so we put the pressure on them and they jumped through the hoop and passed the law." Is not that a comparable situation?

Mr. ELLENDER. There is no doubt about it. I venture to say that here in the city of Washington there are a few hundred of these leeches who belong to the societies the Senator has described, and who collect from other societies throughout the Nation. As the Senator states, it is not the mass of the colored folk who want these things, but only a few who live on the earnings of the others.

I started a moment ago to show that these little cliques of colored voters who are located in the various cities in the States are the ones who cause such legislation to be enacted, and shout "victory," I suppose, after it is passed, but without hope of having it enforced. I dare say there is not a white person in the State of California who would not resent a colored woman or a colored man sleeping next door in one of the fine hotels in Los Angeles, or accompanying them up the same aisle in one of the leading theaters out there, or going to the same bathhouse and using the same facilities. There is not one who would not resent it. Yet this law is on the statute books merely to satisfy and pacify a few Negro voters. That is all it is for, and nothing else.

I stamp the bill which is before us today as being proposed in order to satisfy a few colored politicians throughout this city and throughout the Nation who are agitating for it, not in the hope that it will stop lynching but, as the Senator from Texas has just said, in order to keep these men on the pay roll of these societies. They have no hope of preventing lynching under the terms of the proposed law.

The 1930 census showed that the State of California, with a population of over 5,000,000, had a Negro population of 81,048. Sixty-five percent of that number, or 52,923, lived in Los Angeles, Oakland, San Diego, and San Francisco. In the large State of California 65 percent of its Negro population was centered in four cities, and I would be willing to wager everything I have that it was the agitation by the little Negro groups from the four cities I have named that caused the representatives and senators in the Legislature of California at Sacramento to enact the statute I have read. I further venture to say that the white people of California were not aware of what was being done.

Now, let us go to the State of Colorado and see what the penal statute is in that State. The code of 1921, section 4128, provides:

That all persons within the jurisdiction of said State shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, restaurants, eating houses, barber shops, public conveyances on land or water—

I did not know they had ships in Colorado—

theaters, and all other places of public accommodation and amusement, subject only to the conditions and limitations established by law and applicable alike to all citizens.

That any person who shall violate any of the provisions of the foregoing section by denying to any citizen, except for reasons applicable alike to all citizens of every race and color, and regardless of color or race, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or by aiding or inciting such denial, shall for every such offense forfeit and pay a sum of not less than \$50 nor more than \$500 to the person aggrieved thereby, to be recovered in any court of competent jurisdiction in the county where said offense was committed.

Colorado seems to be more generous than California.

Section 4133 reads:

That no person, being the owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodation, resort, or amusement shall directly or indirectly, by himself or anybody else, publish—

Listen to this—

publish, issue, circulate, send, distribute, give away, or display in any way, manner, shape, means, or method, except as hereinafter provided, any communication, paper, poster, folder, manuscript,

book, pamphlet, writing, print, letter, notice, or advertisement of any kind, nature, or description, intended or calculated to discriminate or actually discriminating against any religious sect, creed, denomination or nationality, or against any of the members thereof, in matter of furnishing or neglecting or refusing to furnish to them or any one of them any lodgings, housing, schooling, tuition, or any accommodations, right, privilege, advantage, or convenience offered to or enjoyed by the general public, or to the effect that any of the accommodations, rights, privileges, advantages, or conveniences of any such place of public accommodation, resort, or amusement shall or will be refused, withheld from, or denied to any person or persons or class of persons on account of race, sect, creed, denomination, or nationality, or that the patronage, custom, presence, frequenting, dwelling, staying, or lodging at such place of any person, persons, or class of persons belonging to or purporting to be of any particular race, sect, creed, denomination, or nationality, is unwelcome, objectionable, or not acceptable, desired, or solicited.

That, Senators, represents the statute as it affects the State of Colorado.

The State of Colorado has a Negro population of 11,828. Sixty-one percent of that number is in the city of Denver. The rest are scattered about in small numbers in other cities. I may be mistaken, but it is my firm belief that such statutes as these resulted from the demand in that State of little cliques of colored voters.

Let us now go to the State of Connecticut. In the State of Connecticut we find in the supplement to the general statutes of 1935 the following section:

SEC. 1676c. All persons within the jurisdiction of this State shall be entitled to full and equal accommodations in every place of public accommodation, resort, or amusement, subject only to the conditions and limitations established by law and applicable alike to all persons; and any denial of such accommodation by reason of the race, creed, or color of the applicant therefor shall be a violation of the provisions of this section. A place of public accommodation, resort, or amusement within the meaning of this section shall include all inns, taverns, roadhouses, hotels, restaurants, and eating houses or any place where food is sold for consumption on the premises—

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. BARKLEY. Is the Senator ready to suspend now, or does he prefer to continue?

Mr. ELLENDER. It is immaterial to me; however, I have only two more lines to read with reference to the Connecticut statute.

I continue reading:

railroad cars and stations, street railway cars and stations, public-service buses and taxicabs; and theaters, motion-picture houses, music halls, amusement and recreation parks. Any person who shall violate any provision of this section shall be fined not more than \$100 or imprisoned not more than 30 days or both.

In the State of Connecticut, instead of making the person discriminating amenable to damages to the person who suf-

fers, the judge may imprison him. The judge may impose a fine on him. In the State of Connecticut, according to the census of 1930, there was a Negro population of 29,354. Fifty-two percent of the entire Negro population was in three cities—Bridgeport, Hartford, and New Haven. I venture to say that this law was placed on the statute books of Connecticut as the result of agitation by little groups of colored people located in various cities, and that this act was not put on the statute books with the idea or the purpose of placing the Negroes on the basis of equality with the whites, but simply to fulfill a promise that was made to the leaders of the colored aggregations in these various localities.

Mr. President, I know it will be impossible for me to conclude this evening, and I gladly yield, provided I shall have the floor on Monday.

EXHIBIT A

Data from police records of cities of Washington, D. C., and New Orleans, La., showing arrests for certain crimes, as between whites and Negroes, years 1935 and 1936

	1935			1936		
	Whites	Colored	Total	Whites	Colored	Total
City of New Orleans:						
Murders.....	22	26	48	23	24	47
Manslaughter.....	27	10	37	14	5	19
Rape.....	7	11	18	9	11	20
Robbery.....	52	29	81	57	40	97
Aggravated assault.....	107	111	218	108	122	230
Burglary.....	119	131	250	142	165	307
Larceny.....	427	399	826	375	339	714
Auto theft.....	31	18	49	25	12	37
Total.....	1792	1735	1,527	1753	1718	1,471
City of Washington:						
Murders.....	19	53	72	17	42	59
Manslaughter.....	29	15	44	6	6	12
Rape.....	9	13	22	5	9	14
Robbery.....	163	359	522	212	644	856
Assault.....	105	313	418	78	296	374
Housebreaking (burglary).....	301	916	1,217	297	1,465	1,762
Larceny.....	209	330	539	149	348	497
Auto theft.....	146	5	151	13	-----	13
Total.....	981	2,004	2,985	777	2,810	3,587

¹About even.

²Over 2 to 1.

³Almost 4 to 1.

Population, Washington, D. C., and New Orleans, La.

[Figures furnished by Dr. Truesdell, Chief of Census Bureau, taken from 1930 census]

	Washington	New Orleans
Total population.....	486,869	458,762
Negro population.....	132,068	129,632
Percentage of Negro population to total.....	27	28

EXHIBIT B

PROPORTION IN TOTAL POPULATION

Percent Negro in total population at each census, by divisions and States, 1790-1930

Division and State	1930	1920	1910	1900	1890	1880	1870	1860	1850	1840	1830	1820	1810	1800	1790
United States.....	9.7	9.9	10.7	11.6	11.9	13.1	12.7	14.1	15.7	16.8	18.1	18.4	19.0	18.9	19.3
Geographic divisions:															
New England.....	1.2	1.1	1.0	1.1	0.9	1.0	0.9	0.8	0.8	1.0	1.1	1.3	1.4	1.5	1.7
Middle Atlantic.....	4.0	2.7	2.2	2.1	1.8	1.8	1.7	1.8	2.1	2.6	2.9	3.3	4.1	4.6	5.3
East North Central.....	3.7	2.4	1.6	1.6	1.5	1.6	1.4	.9	1.0	1.0	1.1	1.0	1.3	1.2	-----
West North Central.....	2.5	2.2	2.1	2.3	2.5	3.3	3.7	5.6	10.3	14.1	18.3	15.9	17.4	-----	-----
South Atlantic.....	28.0	30.9	33.7	35.7	36.8	38.7	37.9	38.4	39.8	40.7	41.9	41.6	40.4	37.6	36.4
East South Central.....	26.9	28.4	31.5	33.7	33.0	34.5	33.2	34.7	33.4	32.2	27.6	24.2	20.5	17.5	14.9
West South Central.....	18.7	20.1	22.6	25.9	29.1	32.6	36.4	36.9	39.2	47.6	53.2	48.4	54.4	-----	-----
Mountain.....	.8	.9	.8	.9	1.1	.8	.5	.1	.1	-----	-----	-----	-----	-----	-----
Pacific.....	1.1	.9	.7	.6	.7	.6	.7	1.0	1.1	-----	-----	-----	-----	-----	-----
New England:															
Maine.....	.1	.2	.2	.2	.2	.2	.3	.2	.2	.3	.3	.3	.4	.5	.6
New Hampshire.....	.2	.1	.1	.2	.2	.2	.2	.2	.2	.2	.2	.3	.5	.5	.6
Vermont.....	.2	.2	.5	.2	.3	.3	.3	.2	.2	.3	.3	.4	.3	.4	.3
Massachusetts.....	1.2	1.2	1.1	1.1	1.0	1.0	1.0	.8	.9	1.2	1.2	1.3	1.4	1.5	1.4
Rhode Island.....	1.4	1.7	1.8	2.1	2.1	2.3	2.3	2.3	2.5	3.0	3.7	4.3	4.8	5.3	6.3
Connecticut.....	1.8	1.5	1.4	1.7	1.6	1.9	1.8	1.9	2.1	2.6	2.7	2.9	2.6	2.5	2.3
Middle Atlantic:															
New York.....	3.3	1.9	1.5	1.4	1.2	1.3	1.2	1.3	1.6	2.1	2.3	2.9	4.2	5.3	7.6
New Jersey.....	5.2	3.7	3.5	3.7	3.3	3.4	3.4	3.8	4.9	5.8	6.4	7.2	7.6	8.0	7.7
Pennsylvania.....	4.5	3.3	2.5	2.5	2.0	2.0	1.9	2.0	2.3	2.8	2.8	2.9	2.9	2.7	2.4
East North Central:															
Ohio.....	4.7	3.2	2.3	2.3	2.4	2.5	2.4	1.6	1.3	1.1	1.0	.8	.8	.7	-----
Indiana.....	3.5	2.8	2.2	2.8	2.1	2.1	1.5	.9	1.1	1.0	1.1	1.0	2.6	5.3	-----
Illinois.....	4.3	2.8	1.9	1.8	1.5	1.5	1.1	.5	.6	.8	1.5	2.5	6.4	-----	-----
Michigan.....	3.5	1.6	.6	.7	.7	.9	1.0	.9	.7	.3	.9	2.0	3.0	-----	-----
Wisconsin.....	.4	.2	.1	.1	.1	.2	.2	.2	.2	.6	-----	-----	-----	-----	-----

PROPORTION IN TOTAL POPULATION—Continued
 Percent Negro in total population at each census, by divisions and States, 1790–1930—Continued

Division and State	1930	1920	1910	1900	1890	1880	1870	1860	1850	1840	1830	1820	1810	1800	1790
West North Central:															
Minnesota	0.4	0.4	0.3	0.3	0.3	0.2	0.2	0.2	0.6						
Iowa	.7	.8	.7	.6	.6	.6	.5	.2	.2	0.4					
Missouri	6.2	5.2	4.8	5.2	5.6	6.7	6.9	10.0	13.2	15.6	18.3	15.9	17.4		
North Dakota	.1	.1	.1	.1	.2	1.3	1.7								
South Dakota	.1	.1	.1	.1	.2										
Nebraska	1.0	1.0	.6	.6	.8	.5	.6	.3							
Kansas	3.5	3.3	3.2	3.5	3.5	4.3	4.7	.6							
South Atlantic:															
Delaware	13.7	13.6	15.4	16.6	16.8	18.0	18.2	19.3	22.3	25.0	24.9	24.0	23.8	22.4	21.6
Maryland	16.9	16.9	17.9	19.8	20.7	22.5	22.5	24.9	28.3	32.3	34.9	36.1	38.2	36.7	34.7
District of Columbia	27.1	25.1	28.5	31.1	32.8	33.6	33.0	19.1	26.6	29.9	30.8	31.6	33.1	28.6	
Virginia	26.8	29.9	32.6	35.6	38.4	41.8	41.9	34.4	37.1	40.2	42.7	43.4	43.3	41.6	40.9
West Virginia	6.6	5.9	5.3	4.5	4.3	4.2	4.1								
North Carolina	29.0	29.8	31.6	33.0	34.7	38.0	36.6	36.4	36.4	35.6	35.9	34.4	32.2	29.4	26.8
South Carolina	45.6	51.4	55.2	58.4	59.8	60.7	58.9	58.6	58.9	56.4	55.6	52.8	48.4	43.2	43.7
Georgia	36.8	41.7	45.1	46.7	46.7	47.0	46.0	44.1	42.4	41.0	42.6	44.4	42.4	37.1	35.9
Florida	29.4	34.0	41.0	43.7	42.5	47.0	48.8	44.6	46.0	48.7	47.1				
East South Central:															
Kentucky	8.6	9.8	11.4	13.3	14.4	16.5	16.8	20.4	22.5	24.3	24.7	22.9	20.2	18.6	17.0
Tennessee	18.3	19.3	21.7	23.8	24.4	26.1	25.6	25.5	24.5	22.7	21.4	19.6	17.5	13.2	10.6
Alabama	25.7	38.4	42.5	45.2	44.8	47.5	47.7	45.4	44.7	43.3	38.5	33.2			
Mississippi	50.2	52.2	56.2	58.5	57.6	57.5	53.7	55.3	51.2	52.3	48.4	44.1	42.9	41.5	
West South Central:															
Arkansas	25.8	27.0	28.1	28.0	27.4	26.3	25.2	25.6	22.7	20.9	15.5	11.7			
Louisiana	36.9	38.9	43.1	47.1	50.0	51.5	50.1	49.5	50.7	55.0	58.5	51.8	55.2		
Oklahoma	7.2	7.4	8.3	7.0	8.4										
Texas	14.7	15.9	17.7	20.4	21.8	24.7	31.0	30.3	27.5						
Mountain:															
Montana	.2	.3	.5	.6	1.0	.9	.9								
Idaho	.2	.2	.2	.2	.2	.2	.4								
Wyoming	.6	.7	1.5	1.0	1.5	1.4	2.0								
Colorado	1.1	1.2	1.4	1.6	1.5	1.3	1.1	.1							
New Mexico	.7	1.6	.5	.8	1.2	.8	.2	.1	(?)						
Arizona	2.5	2.4	1.0	1.5	1.5	.4	.3								
Utah	.2	.3	.3	.2	.3	.2	.1	.2	.4						
Nevada	.6	.4	.6	.3	.5	.8	.8								
Pacific:															
Washington	.4	.5	.5	.5	.4	.4	.9	.3							
Oregon	.2	.3	.2	.3	.4	.3	.4	.2	1.6						
California	1.4	1.1	.9	.7	.9	.7	.8	1.1	1.0						

1 Dakota Territory.

2 Includes population of Indian Territory.

3 Less than 1/10 of 1 percent.

EXHIBIT C
 GEOGRAPHIC DISTRIBUTION AND INCREASE
 Negro and white population, by sections, divisions, and States

Section, division, and State	1930				1920				1910		1900	
	Total	Negro	White	Other races	Total	Negro	White	Other races	Negro	White	Negro	White
United States	122,775,046	11,891,143	108,864,207	2,019,696	105,710,620	10,463,131	94,120,374	1,127,115	9,827,763	81,364,447	8,833,994	66,809,196
The North	73,021,191	2,409,219	70,388,367	223,605	63,681,845	1,472,309	62,085,612	123,924	1,027,674	54,627,598	880,771	46,413,758
The South	37,857,633	9,361,577	27,673,879	822,177	33,125,803	8,912,231	23,731,899	481,673	8,749,427	20,316,253	7,922,969	16,521,970
The West	11,896,222	120,347	10,801,961	973,914	8,902,972	78,591	8,302,863	521,518	50,662	6,420,596	30,254	3,873,468
Geographic divisions:												
New England	8,166,341	94,086	8,065,113	7,142	7,400,909	79,051	7,315,995	5,863	66,306	6,480,468	59,099	5,527,026
Middle Atlantic	26,260,750	1,052,899	25,172,104	35,747	22,261,144	600,183	21,638,625	22,336	417,870	18,879,881	325,921	15,110,862
East North Central	25,297,185	930,450	24,277,663	89,072	21,475,543	514,554	20,931,279	29,710	300,836	17,926,513	257,842	15,710,053
West North Central	13,296,915	331,784	12,873,487	91,644	12,544,249	278,521	12,199,713	66,015	242,662	11,340,736	237,909	10,065,817
South Atlantic	15,793,589	4,421,388	11,349,284	22,917	13,990,272	4,325,120	9,648,556	16,596	4,112,488	8,071,473	3,729,017	6,706,058
East South Central	9,887,214	2,658,238	7,224,614	4,362	8,893,307	2,523,532	6,367,166	2,609	2,652,513	5,754,154	2,499,886	5,044,847
West South Central	12,176,830	2,281,951	9,999,981	794,898	10,242,224	2,063,579	7,716,177	462,468	1,984,426	6,490,626	1,694,066	4,771,065
Mountain	3,701,789	30,225	3,303,586	367,978	3,336,101	30,801	3,071,405	233,895	21,467	2,445,515	15,590	1,579,855
Pacific	8,194,433	90,122	7,498,375	605,936	5,566,871	47,790	5,231,458	287,623	29,195	3,975,081	14,664	2,293,613
New England:												
Maine	797,423	1,096	795,183	1,144	768,014	1,310	765,693	1,011	1,363	739,991	1,319	692,226
New Hampshire	465,293	790	464,350	153	443,083	621	442,330	132	564	429,906	662	410,791
Vermont	359,611	568	358,965	78	352,428	572	351,816	40	1,621	354,298	826	342,771
Massachusetts	4,249,614	52,365	4,192,926	4,323	3,852,356	45,466	3,803,467	3,423	38,055	3,324,897	31,974	2,769,764
Rhode Island	687,497	9,913	677,016	568	604,397	10,036	593,976	385	9,529	532,488	9,092	419,050
Connecticut	1,606,903	29,354	1,576,673	876	1,380,631	21,046	1,358,713	872	15,174	1,098,888	15,226	892,424
Middle Atlantic:												
New York	12,588,066	412,814	12,150,293	24,959	10,385,227	198,483	10,170,548	16,196	134,191	8,966,525	99,232	7,156,881
New Jersey	4,041,334	208,828	3,829,209	3,297	3,155,900	117,132	3,036,832	1,936	89,760	2,445,820	69,844	1,812,317
Pennsylvania	9,631,350	431,257	9,192,602	7,491	8,720,017	284,568	8,431,245	4,204	193,919	7,467,536	156,845	6,141,664
East North Central:												
Ohio	6,646,697	309,304	6,331,136	6,257	5,759,394	186,187	5,570,951	2,256	111,452	4,654,758	96,901	4,060,204
Indiana	3,238,503	111,982	3,116,136	10,385	2,930,390	80,810	2,848,546	1,234	60,320	2,639,876	57,505	2,458,502
Illinois	7,630,654	328,972	7,266,361	35,321	6,485,280	182,274	6,294,999	8,007	109,049	5,526,241	85,078	4,734,873
Michigan	4,842,325	169,453	4,650,171	22,701	3,668,412	60,852	3,608,283	8,047	17,115	2,785,135	15,816	2,398,563
Wisconsin	2,939,006	10,739	2,913,859	14,408	2,632,067	5,201	2,616,700	10,166	2,900	2,320,503	2,542	2,057,911
West North Central:												
Minnesota	2,563,953	9,445	2,538,973	15,535	2,387,125	8,809	2,368,586	9,730	7,084	2,059,143	4,959	1,737,036
Iowa	2,470,939	17,380	2,448,382	5,177	2,404,021	19,005	2,381,293	3,723	14,973	2,208,692	12,693	2,218,067
Missouri	3,629,367	223,840	3,398,887	6,640	3,404,055	178,241	3,221,661	4,153	157,452	3,133,570	161,234	2,944,843
North Dakota	680,845	377	671,243	9,225	646,872	467	639,912	6,493	617	569,845	286	311,712
South Dakota	692,849	646	699,453	22,750	636,547	832	619,052	16,663	817	563,747	465	380,714
Nebraska	1,377,963	13,752	1,353,702	10,509	1,296,372	13,242	1,276,473	6,657	7,689	1,179,994	6,269	1,056,526
Kansas	1,880,999	66,344	1,792,847	21,808	1,769,257	57,925	1,692,736	18,596	54,030	1,625,755	52,003	1,416,319
South Atlantic:												
Delaware	238,380	32,602	205,694	84	223,003	30,335	192,585	83	31,181	171,100	30,697	153,977
Maryland	1,631,526	276,379	1,354,170	977	1,449,661	244,479	1,204,690	492	232,250	1,062,627	235,064	952,424
District of Columbia	486,869	132,068	353,914	887	437,571	109,966	326,825	780	94,446	236,113	86,702	191,532
Virginia	2,421,851	650,165	1,770,405	1,281	2,309,187	690,017	1,617,871	1,299	671,096	1,389,802	660,722	1,192,855

GEOGRAPHIC DISTRIBUTION AND INCREASE—continued
Negro and white population, by sections, divisions, and States—Continued

Section, division, and State	1930				1920				1910		1900	
	Total	Negro	White	Other races	Total	Negro	White	Other races	Negro	White	Negro	White
South Atlantic—Contd.												
West Virginia.....	1,729,205	114,893	1,613,934	378	1,463,701	86,345	1,377,180	176	64,173	1,156,811	43,499	915,233
North Carolina.....	3,170,276	918,647	2,234,948	16,681	2,559,123	763,407	1,783,769	11,947	697,843	1,500,508	624,469	1,263,603
South Carolina.....	1,738,765	793,681	944,040	1,044	1,683,724	864,719	818,532	473	835,843	679,159	782,321	557,807
Georgia.....	2,908,506	1,071,125	1,836,974	407	2,895,832	1,206,365	1,689,070	397	1,176,987	1,431,786	1,034,813	1,181,294
Florida.....	1,468,211	431,828	1,035,205	1,178	968,470	329,487	638,034	949	308,669	443,567	230,730	297,333
East South Central:												
Kentucky.....	2,614,589	226,040	2,388,364	185	2,416,630	235,938	2,180,462	230	261,656	2,027,926	284,706	1,862,309
Tennessee.....	2,616,556	477,646	2,138,619	291	2,337,885	451,758	1,885,939	188	473,088	1,711,417	480,243	1,540,186
Alabama.....	2,646,248	944,834	1,700,775	639	2,348,174	900,652	1,446,958	564	908,282	1,228,789	827,307	1,001,152
Mississippi.....	2,009,821	1,009,718	996,856	3,247	1,790,618	935,184	853,807	1,627	1,009,487	786,022	907,630	641,200
West South Central:												
Arkansas.....	1,854,482	478,463	1,374,966	1,113	1,752,204	472,220	1,279,479	505	442,891	1,130,878	366,856	944,580
Louisiana.....	2,101,593	776,326	1,318,160	7,107	1,798,509	700,257	1,093,991	4,261	713,874	939,789	650,804	729,612
Oklahoma.....	2,396,040	172,198	2,123,424	100,418	2,028,283	149,408	1,813,217	65,658	137,612	1,441,577	55,084	670,204
Texas.....	5,824,715	854,964	4,833,491	686,260	4,663,228	741,694	3,821,490	392,044	690,049	2,978,382	620,722	2,426,669
Mountain:												
Montana.....	537,606	1,256	517,327	19,023	548,889	1,658	533,991	13,240	1,834	360,491	1,523	226,283
Idaho.....	445,032	668	437,562	6,802	431,866	920	424,540	6,406	651	319,074	293	154,495
Wyoming.....	225,565	1,250	214,067	10,248	194,402	1,375	188,146	4,881	2,235	139,990	940	89,051
Colorado.....	1,035,791	11,828	961,117	62,846	939,629	11,318	909,763	18,548	11,453	780,146	8,570	529,046
New Mexico.....	423,317	2,850	331,755	88,712	360,350	5,733	301,879	52,738	1,628	283,574	1,610	180,207
Arizona.....	435,573	10,749	264,378	160,446	334,162	8,005	202,985	123,172	2,009	122,360	1,848	92,903
Utah.....	507,847	1,108	495,955	10,784	449,396	1,446	440,699	7,251	1,144	366,425	672	272,465
Nevada.....	91,058	516	81,425	9,117	77,407	346	69,402	7,659	513	73,455	134	35,405
Pacific:												
Washington.....	1,563,396	6,840	1,521,099	35,457	1,356,621	6,883	1,319,393	30,345	6,058	1,108,967	2,514	496,804
Oregon.....	953,786	2,234	937,029	14,523	783,389	2,144	768,530	12,715	1,492	654,833	1,105	394,582
California.....	5,677,251	81,048	5,040,247	555,956	3,426,861	38,763	3,143,535	244,563	21,645	2,211,281	11,045	1,402,727

Section, division, and State	1890		1880		1870		1860		1850	
	Negro	White	Negro	White	Negro	White	Negro	White	Negro	White
United States.....	7,488,676	55,101,258	6,550,793	43,402,970	4,880,009	33,589,377	4,441,830	26,922,537	3,638,808	19,553,068
The North.....	701,018	39,035,798	615,038	31,235,267	452,818	24,815,772	340,240	19,337,997	285,369	13,745,077
The South.....	6,780,577	13,193,453	5,935,903	10,555,427	4,420,811	7,863,209	4,097,111	7,033,973	3,352,198	6,630,414
The West.....	27,081	2,872,007	11,852	1,612,276	6,380	910,396	4,479	550,567	1,241	177,577
Geographic divisions:										
New England.....	44,580	4,653,191	39,925	3,968,789	31,705	3,455,043	24,711	3,110,480	23,021	2,705,095
Middle Atlantic.....	225,326	12,468,794	189,492	10,305,055	148,033	8,662,226	131,290	7,327,548	126,741	5,771,994
East North Central.....	207,023	13,253,725	183,298	11,012,047	130,497	8,987,512	63,999	6,855,644	45,195	4,478,065
West North Central.....	224,089	8,660,088	202,323	5,949,376	142,853	3,710,991	120,540	2,044,325	90,412	789,923
South Atlantic.....	3,262,690	5,592,149	2,941,202	4,657,112	2,216,705	3,635,238	2,058,198	3,305,107	1,860,871	2,818,219
East South Central.....	2,119,797	4,305,668	1,924,996	3,657,593	1,464,252	2,539,091	1,394,690	2,626,376	1,122,790	2,240,481
West South Central.....	1,378,090	3,295,636	1,087,705	2,243,722	739,884	1,288,880	644,553	1,102,490	368,537	871,714
Mountain.....	12,971	1,117,363	5,022	614,821	1,555	301,848	235	164,092	72	72,855
Pacific.....	14,110	1,754,644	6,830	997,455	4,825	608,548	4,244	386,475	1,169	104,722
New England:										
Maine.....	1,190	659,263	1,451	646,852	1,606	624,809	1,327	626,947	1,356	581,813
New Hampshire.....	614	375,840	685	346,229	580	317,697	494	325,579	520	317,456
Vermont.....	937	331,418	1,057	331,218	924	329,613	709	314,369	718	313,402
Massachusetts.....	22,144	2,215,373	18,697	1,763,782	13,947	1,443,156	9,602	1,221,432	9,064	985,450
Rhode Island.....	7,393	337,859	6,488	269,939	4,980	212,219	3,952	170,649	3,670	143,875
Connecticut.....	12,302	733,438	11,547	610,769	9,668	527,549	8,627	451,504	7,693	363,099
Middle Atlantic:										
New York.....	70,092	5,923,955	65,104	5,016,022	52,081	4,330,210	49,005	3,831,590	49,069	3,048,325
New Jersey.....	47,638	1,396,681	38,853	1,092,017	30,658	875,407	25,336	646,699	24,046	465,509
Pennsylvania.....	107,596	5,148,258	85,535	4,197,016	65,294	3,456,609	56,949	2,849,259	53,626	2,258,160
East North Central:										
Ohio.....	87,113	3,584,805	79,900	3,117,920	63,213	2,601,946	36,673	2,302,808	25,279	1,955,050
Indiana.....	45,215	2,146,736	39,228	1,938,798	24,560	1,655,837	11,428	1,338,710	11,262	977,154
Illinois.....	57,028	3,768,472	46,368	3,031,151	28,762	2,511,096	7,628	1,704,291	5,436	846,034
Michigan.....	15,223	2,072,884	15,100	1,614,560	11,849	1,167,282	6,799	736,142	2,583	395,071
Wisconsin.....	2,444	1,680,828	2,702	1,309,618	2,113	1,051,351	1,171	773,693	635	304,756
West North Central:										
Minnesota.....	3,683	1,296,408	1,564	776,884	759	438,257	259	169,395	39	6,038
Iowa.....	10,685	1,901,090	9,516	1,614,600	5,762	1,188,207	1,069	673,779	333	191,881
Missouri.....	150,184	2,528,458	145,350	2,022,826	118,071	1,603,146	118,503	1,063,489	90,040	592,004
North Dakota.....	373	182,407	113	36,192	94	12,887		2,576		
South Dakota.....	541	328,010	288	96,955						
Nebraska.....	8,913	1,047,096	2,385	449,764	789	122,117	82	28,696		
Kansas.....	49,710	1,376,619	43,107	952,155	17,108	346,377	627	106,390		
South Atlantic:										
Delaware.....	28,386	140,066	26,442	120,160	22,794	102,221	21,627	90,589	20,363	71,169
Maryland.....	215,657	826,493	210,230	724,693	175,391	605,497	171,131	515,918	165,091	417,943
District of Columbia.....	75,572	154,695	59,596	118,006	43,404	88,278	14,316	60,763	13,746	37,941
Virginia.....	635,438	1,020,122	631,616	880,858	512,841	712,089	648,907	1,047,299	526,861	894,800
West Virginia.....	32,690	730,077	25,886	592,537	17,980	424,033				
North Carolina.....	561,018	1,055,382	531,277	867,242	391,650	678,470	361,522	629,942	316,011	553,028
South Carolina.....	688,934	462,008	604,332	391,105	415,814	289,667	412,320	291,300	393,944	274,563
Georgia.....	858,815	978,357	725,133	816,906	545,142	638,926	465,698	591,550	384,613	521,572
Florida.....	166,180	224,949	126,690	142,605	91,689	96,057	62,677	77,746	40,242	47,203
East South Central:										
Kentucky.....	268,071	1,590,462	271,451	1,377,179	222,210	1,098,692	236,167	919,484	220,992	761,413
Tennessee.....	430,678	1,336,637	403,151	1,138,831	322,331	936,119	283,019	826,722	245,881	756,836
Alabama.....	678,489	833,718	600,103	662,185	475,510	521,384	437,770	626,271	345,109	426,514
Mississippi.....	742,559	544,851	650,291	479,398	444,201	382,896	437,040	353,899	310,808	295,718
West South Central:										
Arkansas.....	309,117	818,752	210,666	591,531	122,169	362,115	111,259	324,143	47,708	162,189
Louisiana.....	559,193	558,395	483,655	454,954	364,210	362,065	350,873	357,456	262,271	255,491
Oklahoma.....	21,609	172,554								
Texas.....	488,171	1,745,935	393,384	1,197,237	263,475	564,700	182,921	420,891	58,558	154,034

GEOGRAPHIC DISTRIBUTION AND INCREASE—continued
Negro and white population, by sections, divisions, and States—Continued

Section, division, and State	1890		1880		1870		1860		1850	
	Negro	White	Negro	White	Negro	White	Negro	White	Negro	White
Mountain:										
Montana.....	1,490	127,690	346	35,385	183	18,306				
Idaho.....	201	82,117	53	29,013	60	10,618				
Wyoming.....	922	59,324	298	19,437	183	8,726				
Colorado.....	6,215	404,534	2,435	191,126	456	39,221	46	34,231		
New Mexico.....	1,956	142,918	1,015	108,721	172	90,393	85	82,924	22	61,525
Arizona.....	1,357	55,734	155	35,160	26	9,581				
Utah.....	588	205,925	232	142,423	118	86,044	59	40,125	50	11,330
Nevada.....	242	39,121	488	53,556	357	38,959	45	6,812		
Pacific:										
Washington.....	1,602	340,829	325	67,199	207	22,195	30	11,138		
Oregon.....	1,186	301,982	487	163,075	346	86,929	128	52,160	207	13,087
California.....	11,322	1,111,833	6,018	767,181	4,272	499,424	4,086	323,177	962	91,635

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER (Mr. MILLER in the chair). Are there any reports of committees? If not, the clerk will state the nomination on the Executive Calendar.

THE JUDICIARY

The legislative clerk read the nomination of Toxey Hall to be United States attorney for the southern district of Mississippi.

Mr. BILBO. Mr. President, I wish to make a statement in connection with the nomination of Mr. Hall. He has been State district attorney in my home district for almost a quarter of a century, and I wish to state as a matter of record that the State of Mississippi has never had a better district attorney. He is qualified in every sense of the word and will be a great Federal district attorney.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to this nomination?

The nomination was confirmed.

Mr. BILBO. I ask that the President be notified at once of the confirmation of Mr. Hall.

The PRESIDING OFFICER. Without objection, the President will be notified.

That concludes the Executive Calendar.

The Senate resumed legislative session.

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 2 o'clock and 56 minutes p. m.) the Senate took a recess until Monday, January 17, 1938, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate January 15 (legislative day of January 5), 1938

ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

Stanley Reed, of Kentucky, to be an Associate Justice of the Supreme Court of the United States, vice Sutherland, retired.

CONFIRMATION

Executive nomination confirmed by the Senate January 15 (legislative day of January 5), 1938

UNITED STATES ATTORNEY

Toxey Hall to be United States attorney for the southern district of Mississippi.

HOUSE OF REPRESENTATIVES

SATURDAY, JANUARY 15, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Eternal God, our Father, whose influence is everywhere, make us susceptible to those qualities of soul that lead us to high spiritual attainments. Descend upon us in full measure that we may put into our daily lives those sublime principles enunciated in the Sermon on the Mount. Comfort us with that everlasting hope that encircles all. Give courage to the father in pursuit of his labor; strengthen the mother for her daily task. O Thou who art the architect and builder of the universe, the light and the life of men, the inspiration of every permanent movement, we beseech Thy richest blessings upon all our people. Grant that they may move onward to a better civilization. Let Thy kingdom come and Thy will be done in all our hearts, in the blessed Redeemer's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

The SPEAKER. The Chair recognizes the gentleman from Missouri [Mr. ROMJUE].

CLEMENT C. DICKINSON

Mr. ROMJUE. Mr. Speaker, it is with very great regret on behalf of myself and the entire Missouri delegation that I announce the death of a former Member of this House, who was some few years ago an outstanding and distinguished member of the Missouri delegation in this body. Clement C. Dickinson passed away at his home yesterday surrounded by his family and a host of friends.

Of the first three Members who spoke to me about it this morning, one said, "Everybody loved Judge Dickinson." Another said, "Bless his old heart, I am sorry he has gone." The third said, "I loved him always. He was a faithful and valuable Member of this House."

Last fall my wife and I paid Mr. Dickinson and his aged wife a visit. The first thing we discussed was public problems. His mind was as alert as at any time while he was a Member of the House, and he was the most mentally alert and one of the most sound in judgment I ever met, here or elsewhere. He was deeply interested in the public welfare. He told me about his suffering, and still cheerful followed me to my car as we prepared to drive away. He laid his hand on my shoulder and, as I bade him good-bye, with a smile upon his face he said, "I am now 88 years old, but there is nothing wrong with me except what I heard Senator George Vest say one time when he was getting quite old and a little feeble. With his head down close between his shoulders and with age weighing upon him Senator Vest said, 'There is nothing in the world wrong with me except old Anno Domini.'" With a smile, Judge Dickinson said, "That is all that bothers me."